

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688**

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
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Probate and Mental Health Advisory Committee
Hon. Don Edward Green, Chair
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DATE: October 6, 2006

SUBJECT: Prevention of Elder and Dependent Adult Abuse: Plain-Language Forms (revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-145, and EA-150-INFO; adopt form EA-102; approve forms EA-142-INFO and EA-151-INFO; and revoke forms EA-135, EA-136, and EA-137) (Action Required)

Issue Statement

The current elder and dependent adult abuse prevention forms are in the traditional Judicial Council format and may be difficult for self-represented litigants to understand. Plain-language forms previously adopted for use in domestic violence and civil harassment prevention cases have been well received and considered effective. Thus, it would be beneficial for litigants if the forms for elder and dependent adult abuse prevention were also revised to be in the plain-language format. Some additional changes should be made to the forms to make them clearer and more effective.

Recommendation

The Civil and Small Claims Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2007:

1. Revise *Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-100);
2. Adopt *Confidential CLETS Information* (form EA-102);
3. Revise *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-110);
4. Revise *Notice of Hearing and Temporary Restraining Order* (form EA-120);
5. Revise *Request and Order for Reissuance of Temporary Restraining Order* (form EA-125);
6. Revise *Order After Hearing Restraining Elder or Dependent Adult Abuse* (form EA-130);
7. Revise *Proof of Personal Service* (form EA-140);
8. Revise *Proof of Service by Mail* (form EA-141);
9. Approve *What is "Proof of Service"?* (form EA-142-INFO);
10. Revise *Proof of Firearms Turned In or Sold* (form CH-145/EA-145);
11. Revise *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-150-INFO); and
12. Approve *How Can I Respond to a Request for Orders To Stop Elder or Dependent Adult Abuse?* (form EA-151-INFO);

In addition, the committees recommend that the Judicial Council, effective January 1, 2007:

13. Revoke *Application to Renew Restraining Order After Hearing* (form EA-135);
14. Revoke *Notice of Hearing for Renewal of Restraining Order After Hearing* (form EA-136); and
15. Revoke *Order Renewing Restraining Order After Hearing* (form EA-137).

The proposed revised and new plain-language forms and the revoked forms are attached at pages 10–42.

Rationale for Recommendation

Overview

The Judicial Council previously revised the domestic violence and civil harassment prevention forms to be in a plain-language format. Based on the success of the new format for those forms, the elder and dependent adult abuse prevention forms should also be revised to be in a plain-language format.

The features of plain-language forms include:

- Clearer, simpler language explaining the information that litigants should provide on the forms;
- More readable type;
- More space on each page, making the forms easier to read;
- More space for people to provide information; and
- A format and organization that is more intuitive and accessible to ordinary people who are unfamiliar with legal conventions.

The revised elder and dependent adult abuse prevention forms should help not only the parties who are filling them out, but also the judicial system and, if the parties are represented, their attorneys. The revisions should make it easier for people to understand the forms and to complete them with less assistance and fewer mistakes.

The forms additionally would be changed to implement Assembly Bill 978 ([Runner] Stats. 2005, ch. 472). (See Welf. & Inst. Code, § 15657.04.) Thus, on form EA-100, item 10 would be revised to include a statement that the restrained person “will be ordered not to take any action to get the addresses or locations of any protected person, their family members, or their caretakers unless the court finds good cause not to make the order.” On form EA-120, new item 5c would be added to provide for such an order.

Specific Form Changes

The entire current series of elder and dependent adult abuse prevention forms should be revised to be in the plain-language format. The specific proposed changes to the forms are described below.

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

A person seeking a restraining order would use this revised form to initiate an elder or dependent adult abuse prevention case. The form would replace the current form *Petition for Protective Orders*. The revised form, like others in the series, would change the form's title to be easier to understand and would replace the caption with one that a self-represented person can more readily grasp and fill out. All the legal elements necessary to request relief would be contained on revised form EA-100, but the items on the form would be presented more clearly.

On revised form EA-100, the request to shorten time for service (item 17) has been modified to indicate that the papers must be personally served at least 5 days (rather than 2 days) before the hearing, unless the court orders a different time for service. This reflects the amendment of Welfare and Institutions Code section 15657.03(g), effective January 1, 2007. (See Assembly Bill 2303 (Judiciary Committee).)

Form EA-100 would be used both for original requests and for requests to renew a protective order. (See item 8 on the revised form.) Because current forms EA-135, EA-136, and EA-137 for renewal of orders would no longer be needed, they should be revoked.

2. *Confidential CLETS Information* (new form EA-102)

This new form would enable persons seeking a protective order to provide confidential information about themselves and the persons to be restrained. The form is based on form DV-260. It will ensure that courts and law enforcement agencies have important information about the parties, but that this information will be kept confidential and used only for appropriate purposes by courts and law enforcement agencies.¹

3. *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (revised form EA-110)

A person would use this form to respond to a request for orders to stop elder or dependent adult abuse. The form replaces current form *Response to Petition for Protective Orders*. The revised form is written in a clearer and more direct manner than the current form. It should enable a respondent to answer or object to the contentions in the *Request for Orders* (form EA-100).

¹ Form EA-102 was not circulated for comment. It was developed after the comment period, based on the issues raised in the comments. Because it is necessary to preserve the confidentiality of the parties in elder abuse prevention cases and the form is based directly on existing form DV-260, the committee recommends that form EA-102 be adopted without being circulated for comment.

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

This form provides notice of the hearing on the request for orders and the temporary orders, if any, that the court issues in an elder or dependent adult abuse prevention proceeding. It would replace the *Order to Show Cause and Temporary Restraining Order*. The form retains all the legal elements that are contained in an order to show cause and temporary restraining order, but presents these in a manner more comprehensible to nonlawyers.

The form contains a "Notice of Hearing" that tells respondents when the hearing on the request for orders will be heard. It tells respondents what they must tell the judge if they appear, and it explains the consequences if they do not appear. The revised form also includes "Temporary Orders Against the Restrained Person," which contains all the provisions in the current form, but in a format easier to understand and fill out.

On form EA-120, the optional provision requiring the restrained person to turn in or sell firearms (item 9), has been modified to reflect the amendments to Code of Civil Procedure section 527.9, effective January 1, 2007, providing new times for relinquishing firearms and for filing proof with the court that firearms were turned in or sold. (See Assembly Bill 2129 (Spitzer).)

5. *Request and Order for Reissuance of Temporary Restraining Order* (revised form EA-125)

This is a plain-language version of the current form to request the reissuance of temporary restraining orders.

6. *Order After Hearing Restraining Elder or Dependent Adult Abuse* (revised form EA-130)

This is a plain-language version of current form *Restraining Order After Hearing*. It contains all the features of the current form, but uses many of the formatting and other changes used in the domestic violence and civil harassment prevention orders after hearing.

On form EA-130, the optional provision requiring the restrained person to turn in or sell firearms (item 10), has been modified to reflect the amendments to Code of Civil Procedure section 527.9, effective January 1, 2007, providing new times for relinquishing firearms and for filing proof with the court that firearms were turned in or sold. (See Assembly Bill 2129 (Spitzer).)

7. *Proof of Personal Service* (revised form EA-140) and *Proof of Service by Mail* (revised form EA-141)

The two current proofs of service forms (for personal service and service by mail) have been revised to be in the plain-language format. The revised forms should be easier to understand, especially by self-represented people unfamiliar with the concept of proof of service.

8. *What Is "Proof of Service"?* (new form EA-142-INFO)

This new form provides information to self-represented persons requesting orders to stop abuse about what "proof of service" means and how to carry it out.

9. *Proof of Firearms Turned In or Sold* (revised form EA-145)

This plain-language form is based on forms DV-145 and CH-145. It provides a means for persons subject to a firearms relinquishment order to provide proof that their firearms have been turned in to a law enforcement agent or sold to a licensed gun dealer. The form would be optional.

10. *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (revised form EA-150-INFO) and *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse* (new form EA-151-INFO)

These two forms replace current *Instructions on Petition for a Protective Order to Prevent Elder or Dependent Adult Abuse* (form EA-150). The new forms are simpler and clearer. They are directed separately to each party in the case, addressing each party's specific concerns in a more focused manner.

In addition to revising the preceding forms to be in a plain-language format, the following three forms should be revoked: *Application to Renew Restraining Order After Hearing* (form EA-135), *Notice of Hearing for Renewal of Restraining Order After Hearing* (form EA-136), and *Order Renewing Restraining Order After Hearing* (form EA-137). Currently, the renewal of a protective order must be brought using these separate application and notice forms. However, in the revised forms, the request for renewal of the protective order is contained in the same form as the initial request for a protective order. (See revised form EA-100, item 8.) Also, form EA-130 has been revised to be used as a renewal order as well as an initial order after hearing. Accordingly, if forms EA-100 and EA-130 are revised as proposed, current forms EA-135, EA-136, and EA-137 would no longer be needed.

Alternative Actions Considered

The elder and dependent adult abuse prevention forms could be left in the traditional format. But for the reasons presented in this report, it would be better if they are revised to be in the plain-language format and to conform to recent changes in the law.

Comments From Interested Parties

The proposed revisions to the elder and dependent adult abuse forms were circulated for comment in the spring of 2006. Nineteen comments were received on this proposal. The commentators included judges, court administrators, representatives of the California Department of Justice (DOJ), an assistant district attorney, and legal services attorneys. A chart summarizing the comments and the Civil and Small Claims Advisory Committee's responses² is attached at pages 43–71.

A court rules and forms committee recommended removing the option boxes before the firearms prohibition and relinquishment provisions on forms EA-100, EA-120, and EA-130. The Civil and Small Claims Advisory Committee disagreed. The option boxes are appropriate because, in cases involving only financial abuse, the firearms provisions do not apply. (See Welf. and Inst. Code, § 15657.03(o)(2).) (“[The paragraph on firearms prohibitions] shall not apply to a case consisting solely of financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.”)

The Department of Justice proposed a number of changes to the forms. (See comment 10.) First, the DOJ representatives suggested that a new set of form orders be developed for cases involving financial abuse only. The Civil and Small Claims Advisory Committee concluded that such a proposal was beyond the scope of the current proposal that was circulated for comment. It may be considered in the future, but to implement it will require the drafting, review, circulation, and approval of new forms. This will take time. Meanwhile, the committee recommends that items be added to forms EA-100, EA-120, and EA-130 for the petitioner and court to indicate whether or not a particular case involves financial abuse only. These provisions have been included on the revised forms. (See form EA-100, item 9h; form EA-120, item 10; and form EA-130, item 11.)

Second, the DOJ representatives suggested that the footers on forms EA-120, EA-125, and EA-130 should be modified to refer to the new California Law Enforcement Telecommunications System (CLETS) terminology— for example, adding “TEA or TEF and “EAR or EAF,” depending on whether or not the case involved financial abuse only. The Civil and Small Claims Advisory Committee agreed that these changes should be made to the footers of the forms so that it will be easier for law enforcement agencies to identify them.

² The Probate and Mental Health Advisory Committee also reviewed the proposal to revise the forms and supports it.

Third, the DOJ representatives proposed adding "CLETS" to the footers on forms EA-140 and EA-141, the proof of service forms. The committee agreed with this recommendation.

A final question concerned an issue raised by a court administrator regarding the requirement that the date of birth of protected persons be provided to CLETS. (See comment 8.) The newly revised CLETS system has a field for this information in elder abuse prevention cases. A similar issue has arisen in domestic violence prevention cases, where CLETS requires the date of birth of protected persons in the petition. Because requesting a date of birth involves confidential information, a new form has been developed for use in domestic violence prevention cases, *Confidential CLETS Information* (form DV-260). However, no such form had been developed for elder and dependent adult abuse prevention cases.

It is desirable to have a form for providing confidential information about the protected and restrained persons in elder and dependent adult abuse cases. Indeed, because protected elders or dependent adults may sometimes be victims of financial abuse and identity theft, it is particularly important to protect confidential financial or other information about them. Accordingly, after reviewing the comments, the Civil and Small Claims Advisory Committee developed and recommends the adoption of new form EA-102. It further proposes that this form, based on DV-260, be adopted effective January 1, 2007 without being circulated for comment, to protect the privacy of abused elders and dependent adults.

The Civil and Small Claims Advisory Committee, in reviewing the forms and the comments, developed the following additional recommendations not discussed in the attached comment chart. These have been incorporated into the forms.

Form EA-100:

In item 4, the words, "Describe yourself" have been changed to "Describe the person asking for protection." This eliminates any ambiguity about to whom "yourself" refers.

In item 9g (circulated as 9f), the words, "care custodian" have been replaced by "caregiver," which is a more commonly used term.

In item 13, in the request to prohibit firearms possession, the words, "not solely financial abuse" have been placed in bold to make it clear that the case does not involve only financial abuse and hence the firearms prohibitions apply.

In item 19, in the request for lawyer's fees and costs, the words "Out of pocket expenses" have been replaced by "Court costs," which more accurately reflects the applicable statute. (See Welf. & Inst. Code, § 15657.03: "The prevailing party in

any action brought under this section may be awarded court costs and attorney's fees, if any.") The term "out-of-pocket expenses" could be misleading.

Form EA-110:

In item 9, the words, "Out-of-pocket expenses" have been replaced by "Court costs."

Form EA-120, EA-125, and EA-130:

On the order forms, the description beneath the signature lines has been changed from "Judge (or Judicial Officer)" to "Judicial Officer."

Form EA-145:

In item 3, in the second sentence, "should" has been changed to "must."

Implementation Requirements and Costs

The public will be required to use the revised forms, and courts will incur some costs in making them available. But the improved access warrants the revisions of the forms.

Attachments

Request for Orders to Stop Elder or Dependent Adult Abuse

Clerk stamps date here when form is filed.

- 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): _____

Fill in court name and street address:

Superior Court of California, County of _____

- 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: _____

Court fills in case number when form is filed.

Case Number: _____

- 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.

Your name: _____

Case Number: _____

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.

Your name: _____

Case Number: _____

- 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 Order

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, their family members, or caretakers unless the court finds good cause not to make the order.

11 ☐ Stay-Away Order

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.

Your name: _____

Case Number: _____

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.

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**

I ask the court to order the sheriff to serve (notify) the person in ② about the orders for free.
(To get free service of the court's orders without paying a fee, you must qualify for a fee waiver. To qualify you must fill out and file the Application for Waiver of Court Fees and Costs (Form 982(a)(17).)

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.

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form **MUST NOT** become part of the public court file. It is confidential and private. It can be used by the court or a law enforcement agency to enter a restraining order in CLETS or to locate the restrained person to serve a restraining order.

To the Protected Person: Complete this form and give it to the court clerk. The clerk will send it to CLETS, a statewide computer system that lets police know about your order.

Case number for your restraining order (if you know it): _____

1 Protected Person (name): _____

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

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

(mailing address listed on restraining order) (city, state, zip) (telephone number [optional])

Vehicle (type, model, year): _____

Vehicle license number: _____

2 Restrained Person (name): _____

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

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

(residence address) (city, state, zip) (telephone number)

(workplace) (occupation/title) (work hours)

(business address) (city, state, zip) (telephone number)

Driver's license number and state: _____ Vehicle license number and state: _____

Vehicle (type, model, year): _____

Social Security Number: _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations): _____

Confidential—Do not file in court file.

Clerk stamps date here when form is filed.

1 Name of person who asked for the protective orders:

2 Your name: _____

Your 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 (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 _____

Fill in case number:

Case Number: _____

Use this form to give the court your responses to EA-100.

- Read Form EA-151-INFO to protect your rights.
- Fill out this form and then take it to the court clerk.
- You must have the person in ① served with a copy of this form and any attached pages.

3 ☐ Personal Conduct Orders

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

The court will consider your Response at the hearing. Write your hearing date and time here:

Hearing
DateDate: _____ Time: _____
Dept.: _____ Room: _____

You must obey the court's orders until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.

4 ☐ Stay-Away Orders

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

5 ☐ Move-Out Order

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

6 ☐ Turn In Guns or Other Firearms

- a. ☐ I do not own or have any guns or firearms.
- b. ☐ I agree to the order requested.
- c. ☐ I do not agree to the order requested.
- d. ☐ I agree to the following order (specify): _____

Your name: _____

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

- 8 ☐ **The court should not make orders against me because** (*Give facts or reasons below*):
- _____
- _____
- _____
- _____
- _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-110, Item 8—Facts and Reasons." Give specific facts and reasons.

- 9 ☐ **Lawyer's Fees and Costs**
- I ask the court to order payment of my:
- a. ☐ Lawyer's fees
- b. ☐ Court costs
- because the temporary restraining order was issued without enough supporting facts.

The amounts requested are:

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

☐ Check here if you need more space. Attach a sheet of paper and write "EA-110, Item 9—Lawyer's Fees and Costs" at the top. Give specific items and amounts.

- 10 ☐ **Other Relief**
- I ask for additional relief as may be proper.
- 11 Number of pages attached to this form, if any: _____

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: _____

Type or print your name

Sign your name

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):

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

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

5 ☐ **Personal Conduct Orders**

☐ 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.)

6 ☐ Stay-Away Order

c. ☐ Job or workplace of the person in ①

⑦ ☐ **Move-Out Order**

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

8 ☐ **No Guns or Other Firearms**

9 ☐ Turn In or Sell Guns or Firearms

- 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 is a Court Order.

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.

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 for Service of Order by Law Enforcement Agency

The sheriff will serve this Order without charge to the person in ① because that person is eligible for a fee waiver.

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.

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request and Order for Reissuance
of Temporary Restraining Order

Clerk stamps date here when form is filed.

① Your name (person asking to reissue order):

Your 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 (optional): (____) _____

Your attorney (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 you want protection from:

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 ☐ I ask the Court to reissue the Temporary Restraining Order previously filed in this case on Form EA-120.
- a. The last Temporary Restraining Order was issued on (date): _____ b. The last hearing date was (date): _____
- c. The Order has been reissued _____ times.

④ ☐ I ask the court to reissue the Order because (check one):a. ☐ I could not get the Order served before the hearing date.b. ☐ Other (specify): _____

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

This is a Court Order.



Case Number: _____

Your Name: _____

Clerk will fill out section below.

5

The request to reissue the Temporary Restraining Order is:

a. ☐ Granted b. ☐ Denied

The Order listed in ③ is reissued and reset for hearing in this court on the date and time below.

Unless the court extends the time, the Order will end on the date and at the time below.

Name and address of court if different from above:

Hearing
Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

All orders in the Temporary Restraining Order stay in effect unless this order changes them.

6

If this Order is granted, a copy of this Order must be served on the person in ② before the hearing, along with the other documents requesting orders to stop elder or dependent adult abuse.

7

By the close of business on the date this Order is made, a copy of this Order and any proof of service forms must be delivered to the law enforcement agency listed on Form EA-120, Item ⑫:

- ☐ The person in ①.
- ☐ The attorney of the person in ①.
- ☐ The clerk of the court.

Date: _____

Judicial Officer



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 *Request and Order for Reissuance of 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.

Order After Hearing Restraining Elder or Dependent Adult Abuse

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 Order

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 for Service of Order by Law Enforcement Agency**

The sheriff or marshal will serve this Order without charge to the person in ① because that person is eligible for a fee waiver.

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.

Clerk stamps date here when form is filed.

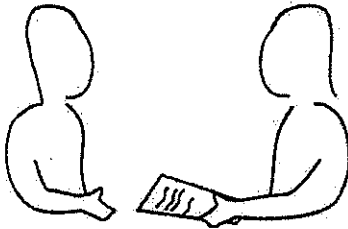
1 Name of person asking for protection:

2 Name of person you want protection from:

3 Notice to Server

The server must:

- Be over 18 years of age.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the documents checked below:

- a. ☐ Form EA-120, *Notice of Hearing and Temporary Restraining Order*
- b. ☐ Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*
- c. ☐ Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- d. ☐ Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☐ Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- f. ☐ Form EA-130, *Order After Hearing Restraining Elder or Dependent Adult Abuse*
- g. ☐ Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2 :

a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.

c. At this Address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server signs here

Clerk stamps date here when form is filed.

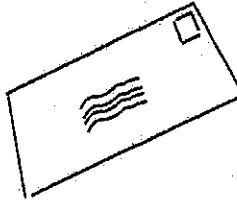
① Name of person asking for protection:

② Your name:

③ **Notice to Server**

The server must:

- Be over 18 years of age.
- Be a resident or employed in the county where the mailing took place.
- Not be listed on the restraining order.
- Mail a copy of all documents checked in ④ to the person in ①. Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

④ I am over 18 years of age and am a resident or employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. ☐ Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (completed)
- b. ☐ Other (specify):

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

- a. Mailed from (City): _____ (State): _____
- b. On (Date): _____
- c. To this Address: _____
- City: _____ State: _____ Zip: _____

⑥ **Server's Information**

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server signs here

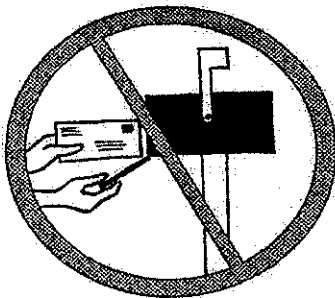
What is "service"?

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 may be authorized to serve the court's orders **for free** if the person seeking protection is entitled to a fee waiver. To qualify for a fee waiver, you must fill out and file *Application for Waiver of Court Fees and Costs* (Form 982(a)(17)).

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 Service form.
- Fill out and sign the Proof of Service form.
- Give the signed Proof of 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 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 Service* (Form EA-140) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

Proof of Firearms Turned In or Sold

Clerk stamps date here when form is filed.

① Name of person asking for protection:

② Your name:

Your 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 (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 _____

Fill in case number:

Case Number: _____

③ To the person selling or turning in firearms:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. You must deliver your weapons unloaded. When you deliver your weapons, ask law enforcement or the licensed gun dealer to complete item ④ or ⑤ and item ⑥. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form EA-151.

④ To: Law Enforcement

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

The firearms listed in ⑥ were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

⑤ To: Licensed Gun Dealer

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

The firearms listed in ⑥ were sold on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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

▶ _____
Signature of licensed gun dealer

Your name: _____

Case Number: _____

6	Firearms Make	Model	Serial Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

☐ Check here if you turned in or sold more firearms. Attach a sheet of paper and write "Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? ☐ Yes ☐ No

8 If you answered yes to 7, have you sold or transferred those other firearms? ☐ Yes ☐ No
If yes, check one of the boxes below:

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

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

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 may need to pay a fee for service of the order. If you cannot afford to pay the fee, ask the clerk how to apply for a fee waiver. If the fee waiver is granted, a sheriff or marshal will serve the order for free.

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.)



EA-150-INFO Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

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

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: _____

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. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order

Sublet: Department of California, Department of Social Services
Revised January 1, 2002, Statutory Form
State of California, § 527.3
Revised & Reprinted (Date, 1/1/02) 02
Approved by DOJ

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

EA-120, Page 1 of 8

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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 a Restraining Order?

It is a court order.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Not take any action to obtain that person's address or location
- Stay away from that person and the person's home and workplace
- Not have any guns while the order is in effect

Who can ask for a Restraining Order?

A person who is being:

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

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.

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-110 before your hearing date, serve it, and file it with the court. If you need to add attachments, you may use form MC-020.

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

Yes. Someone—other than yourself—must mail a copy of your completed Form EA-110 to the person who asked for the order (or that person's lawyer). (This is called "service.")

The person who serves the form by mail should fill out Form EA-141, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form EA-120. If you do not go to court, the judge can make orders without hearing from you.

EA-120 Notice of Hearing and Temporary Restraining Order

Check stamp 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: _____

To the person in ②:
3 Notice of Hearing
A court hearing is scheduled on the request for orders against you to stop abuse:
Hearing Date: _____ Time: _____
Dept.: _____ Rm.: _____
Name and address of court if different from above: _____

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, Transmitted as per
Revised January 1, 2007. Modified from
Court of Civil Judgments, § 107.8
Held in 3 California Trials, 1, 1007-01
Approved by CCA

Notice of Hearing and Temporary Restraining Order (ELECTE-TIA or TEP)
(Elder or Dependent Adult Abuse Protection)

EA-120, Page 1 of 5

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Do I need a lawyer?

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

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

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

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

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 an 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.

What if I am deaf?

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

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]

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)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____	
APPLICATION TO RENEW RESTRAINING ORDER AFTER HEARING (Elder or Dependent Adult Abuse)	
CASE NUMBER: _____	

1. Petitioner (name):

- a. ☐ The person to be protected.
 b. ☐ The conservator of the person to be protected.
 c. ☐ The guardian of the person to be protected.
 d. ☐ Other (describe relationship and capacity): _____

is

2. The person to be protected (name):

3. a. The person to be restrained (name):

b. Description:

 Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____
4. Petitioner requests that the court renew the *Restraining Order After Hearing* (form EA-130).

- a. A copy of the restraining order is attached.
 b. The restraining order was first issued on (date): _____
 c. The restraining order ends on (date): _____
 d. The restraining order has been renewed (specify number): _____ times.
 e. Petitioner requests that the order be renewed:
 (1) ☐ for 3 years.
 (2) ☐ permanently.
 (3) ☐ other (specify): _____

5. DESCRIPTION OF ABUSE AND OTHER FACTS SUPPORTING RENEWAL OF ORDER

(Describe any history of abuse by the restrained person against the protected person. Describe any incidents of abuse since the Restraining Order After Hearing was issued. Explain any other reasons, including fear of the person to be restrained, why the order should be renewed and for how long the renewed order should last.)

☐ Continued on Attachment 5. (If you need more space, check here and add an attachment. You may use Attachment (form MC-025) designated as "Attachment 5.")

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

Date: _____

(TYPE OR PRINT NAME)

(This is not a Court Order.)

(SIGNATURE)

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO. (Optional): FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
NOTICE OF HEARING FOR RENEWAL OF RESTRAINING ORDER AFTER HEARING (Elder or Dependent Adult Abuse) (CLETS)		CASE NUMBER:

NOTICE OF HEARING

To (name of restrained person):

1. A hearing will be held in the court at the time, date, and place shown in the box below to determine whether the court should renew the restraining order against the restrained person in the above-captioned action. The current restraining order stays in effect until the hearing.

a. Date: Time: Dept.: Room:

b. The address of the court where the hearing will be held ☐ is shown above ☐ is (specify):

2. At the hearing, the court can renew the restraining order for three years, make it permanent, or provide some other period during which the order will remain in effect.
3. At the hearing, the restrained person can explain to the judge why the restraining order should not be renewed. The restrained person may serve and file before the hearing a written declaration in response to the application. (Form MC-030 may be used for this purpose.)
4. If the court renews the restraining order, the restrained person must obey the order whether or not that person attends the hearing.

SERVICE AND ANSWER

To the protected person:

5. A person at least 18 years old who is not protected by the restraining order must personally serve on the restrained person at least (specify number): days before the hearing a copy of the *Application to Renew Restraining Order After Hearing* (form EA-135) and a copy of this *Notice of Hearing for Renewal of Restraining Order After Hearing*. A copy of the original *Restraining Order After Hearing* (form EA-130) must be attached to the application.

To the restrained person:

6. Your written response, if any, to the application must be served by a person who is not a party to this proceeding and must be filed with the court at least (specify number): days before the hearing.

Date:

JUDICIAL OFFICER

PETITIONER:	CASE NUMBER:
RESPONDENT:	

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 Order* (form MC-410). (Civil Code, § 54.8.)



[SEAL].

CLERK'S CERTIFICATE

I certify that the foregoing *Notice of Hearing for Renewal of Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date:

Clerk, by _____, Deputy

REVOKED

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
ORDER RENEWING RESTRAINING ORDER (Elder or Dependent Adult Abuse) (CLETS)	CASE NUMBER:

ORDER

- REVOKED**
1. The court has considered the application to renew the Restraining Order After Hearing (Elder/Dependent Adult Abuse) (restraining order) issued in this proceeding on (date):
2. A copy of the restraining order is attached:
3. The court renews the restraining order (check one):
- a. ☐ for three years from the date of issuance of this order.
- b. ☐ permanently.
- c. ☐ other (specify):
4. ☐ A copy of this order renewing the restraining order and any proof of service must be given to the law enforcement agencies listed below by the following means:
- a. ☐ The protected person must deliver them.
- b. ☐ The protected person's attorney must deliver them.
- c. ☐ The clerk of the court must mail them.

Law Enforcement Agency

Address

Date:

(JUDICIAL OFFICER)

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1. Ms. Sandy Almansa Supervising Legal Clerk II Superior Court of California, County of Stanislaus Modesto	A	N	No comments.	No response required.
2. Hon. Ronald L. Bauer Chair Rules and Forms Committee Superior Court of California, County of Orange Santa Ana	AM	Y	Form EA-100: No. 13. The box gives the party the impression that this is an optional request when firearm relinquishment is an automatic order regardless of whether it was asked for. Suggest removing the box altogether, or having a statement on the request that the court will automatically make this order. (C.C.P., § 527.9, W & I Code 15657.03(o).)	Form EA-100: The reason for the option box is that, in elder and dependent adult abuse prevention cases involving solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse, the firearms prohibition does not apply and the relinquishment requirement may not apply. (See W & I Code, § 15657.03(o)(2).) To clarify that a request in item 13 is being made in a case in which the prohibition and the relinquishment requirements do apply, the committee has bolded the words "not solely financial abuse" in item 13.
			Item 16. Typing error, "...order by given..." should read "...order be given..."	The committee agreed. This correction has been made.

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p><u>Form EA-120:</u> Item 8. "No Guns or Other Firearms" and item 9 "Turn in or Sell Guns or Firearms." Remove the boxes since these order are automatic orders and not optional.</p> <p><u>Form EA-130:</u> Item 9. "No guns or Other Firearms" and item 10 "Turn in or Sell Guns or Firearms." Remove the boxes since these order are automatic orders and not options.</p>	<p><u>Form EA-120:</u> The committee disagreed. (See response to comment on form EA-100.)</p> <p><u>Form EA-130:</u> The committee disagreed. (See response to comment on Form EA-100.)</p>
3. Ms. Janet Garcia Manager Planning and Research Unit Superior Court of California, County of Los Angeles Los Angeles	A	N	No comments.	No response required.
4. Mr. Timothy Gee Management Analyst III Planning and Development Division Superior Court of California, County of San Mateo Redwood City	AM	N	The forms, such as the EA-100, etc., should have a line that immediately identifies the relationship of the restrained person to the requesting person. For example, in form EA-100, item 2 should include a line at the end of that section, after City, State, Zip, a line such as:	The committee disagreed. Information about the relationship is already requested in item 5, which asks in plainer terms: "How do you know the person in (2)? (Describe)."

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p><i>Relationship to the Applicant:</i></p> <p>_____</p> <p>This inclusion will help clarify the situation immediately to all persons who reads or is enforcing the order.</p>	
5. Ms. Judy L. Hitchcock Legal Assistance to the Elderly, Inc. San Francisco	AM	Y	<p>I am writing you in regard to the proposed Elder Abuse Prevention plain-language forms. I prefer the current forms which are shorter and less cumbersome to complete, but I understand the advantage in having the elder abuse forms to be consistent with the DVPA and civil harassment plain-language forms. As an attorney who regularly files both DVPA and elder abuse restraining order cases, I would strongly urge the Judicial Council to shorten the proposed forms by eliminating requests for information that is not required under the statute and to shorten the space provided for responses, with a suggestion that where additional space is needed, form MC-020 (or MC-025) or another sheet may be used. I would also limit the number of attachments that need to be served with the request for orders to those required in DVPA cases.</p>	<p>The committee disagrees that the traditional forms are preferable. It supports shortening the revised forms, as long as this does not make them less complete or effective.</p> <p>The instruction sheets have been revised to include statements that form MC-020 may be used for attachments. The request for orders is designed so that it generally can be used without attachments. The use of attachments is optional, if there</p>

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>More specifically, my comments and suggestions with regard to the forms and items therein are as follows:</p> <p>A. <u>Form EA-100: Request for Orders to Stop Elder or Dependent Adult Abuse</u></p> <p>Title: I would shorten and simplify title to "Request for Protective Orders" (or even "Request for Orders" similar to the "Request for Order" used in DVPA forms, but I think including the "Protective" provides useful description).</p> <p>Item 2: Delete request for home address and work address. (Form EA-120 allows an address to be inserted for service of the OAH by mail.) If an address is necessary, include as it is on the present form, one line only.</p> <p>Item 3: I like how you request this information. In the last sentence, you might want to insert "Form MC-020 or another" (or "Form MC-025 or another") after "Attach" and before "sheet of paper").</p>	<p>is not sufficient space.</p> <p>The committee disagreed. For persons looking for forms, it is easier if the form titles clearly identify them as designed for use in preventing elder or dependent adult abuse.</p> <p>The committee disagreed. This information is useful for the court and law enforcement.</p> <p>The committee disagreed that this should be added to the form; however, the committee has added a statement in the instruction forms that, if a person needs to use an attachment, form</p>

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>Item 4: In b. at the beginning of the sentence, insert "If you are under age 65," (No need for people aged 65 or older to detail all their disabilities, medications, etc.).</p> <p>Item 5: Delete or shorten to one line (maybe under a one-line address in Item 2). Because the statute does not require that the abuser and the abused elder/dependent adult be related, this information is not required. I can see how it might be useful to know the relationship; but one line as on the current form should be enough room for this.</p> <p>Item 6: Delete this item. Are the courts reporting that people are filing these cases in the wrong counties? I am not aware that this has been a problem. Past forms have not required a venue allegation and it is not in the DVPA forms. I would not include an item regarding venue here. If that has been a problem, the instructions could include an item about where to file the request.</p> <p>Item 7: Would it save room to combine</p>	<p>MC-020 is available.</p> <p>The committee agreed; this clause has been added.</p> <p>Though one line is insufficient, the item has been shortened.</p> <p>The committee disagreed. A short, plain-language venue statement is helpful to the court and the parties. Such a statement has been included on the Civil Harassment forms.</p> <p>The organization of this item is</p>

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>“elder/dependent adult abuse” and move categories closer? Also, is second part of b necessary; DVPA form does not have this; what has been their experience—have people needed more space to discuss other cases?</p> <p>Item 8: Delete and replace with form EA-135. It appears from item 8 that this form would need to be filled out to obtain a renewal of the restraining order—i.e., people would need to bring a whole new case. Under the statute, the protective orders may be renewed without a showing of further abuse. Why not just have a form similar to DV-700—Request to Renew Restraining Order, or keep or modify the present EA-135—Application to Renew Restraining Order After Hearing?</p> <p>Item 9: One of the difficulties for many elderly clients is that they often cannot specify the exact date an incident occurred. Perhaps, instead of beginning with a and b, the first question could be the one you have in c; and then a request for more detail (e.g., “Describe in detail the most recent incidents of abuse, including who was there, who did</p>	<p>appropriate. Item 7b, which provides information about other cases involving protective orders between the same parties is useful and should be retained.</p> <p>The committee disagreed. It previously concluded that the request for renewal of an order should be included on the same form as an initial request instead of on separate form EA-135. Based on the public’s experience with the new forms, this issue may be reconsidered in the future.</p> <p>The committee agreed in part. It thought that is important to determine the date of the most recent abuse, if possible. However, the question has been rephrased to ask: “When was the most recent abuse? (<i>provide date or estimated date</i>): _____)</p>

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>what to whom and any injuries.”)</p> <p>In item 9e (circulated as 9d), you could reduce the number of lines to save space (e.g., to 2 lines, like the DVPA form).</p> <p>Regarding item 9g (circulated as 9f), I am not sure how often this category of abuse applies in these cases; I would think not that often. Perhaps, after the yes or no, rather than providing space on the form, you could request them, if yes, to attach form MC-020 or another sheet of paper to describe how that affected them.</p> <p>Item 9i (circulated as 9g), is not needed if a description of injuries is requested in the pervious narrative. If you wish to make injuries a separate category, the number of lines could be reduced (e.g., to 2 lines, like the DVPA form).</p> <p>Item 9, last sentence: After “Attach,” you might insert “Form MC-020 or another” (or “MC-025 or another”) to let petitioners know there is a form that can be used.</p>	<p>In item 9e, the number of lines has been reduced to 3½.</p> <p>The committee agreed that this type of abuse is not so common; hence, the number of lines has been reduced. At the end of item 9, a general instruction has been provided that an attachment may be added to provide more explanation of any of the subparts.</p> <p>The committee believes that this item should be retained, but that the number of lines should be reduced.</p> <p>Information about the standard attachment form, MC-020, has been included on the instructions forms instead of on form EA-100.</p>

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(revise forms EA-100, EA-110, EA-120, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>It also might be helpful to add a box and line similar to that from the DVPA form saying something like "Check here is the person in 2 has abused you other times. Attach form MC-020 or another sheet of paper and write EA-100, item 9—Previous Abuse at the top of the page."</p> <p>Item 14: Again, after "Attach" you might insert "Form MC-020 or another."</p> <p>Item 15: Delete request for an explanation. Also, this is asking the petitioner to respond that they want all or none of the orders pending the hearing, but often a personal conduct order may be granted pending the hearing while a move-out may not, and a firearms relinquishment order will automatically be issued if a TRO is granted. I like that you asked separately in item 12 whether a TRO is sought for the move-out order. In item 15, you could limit it to whether they want the court to make orders requested in items 10, 11, and 14 right now. The last line would not be needed if request for explanation deleted.</p>	<p>An item inquiring about previous abuse has been added as new item 9d. The general instruction on attachments at the end of item 9 applies to this new subpart.</p> <p>Not necessary; this information has been added to the instruction forms instead.</p> <p>The committee disagreed. The purpose of this question is to determine why the petitioner needs immediate relief.</p> <p>The request for explanation may be used to indicate which orders the petitioner is requesting right now.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>Item 16: Might be able to save space, and allow for listing of additional agencies, if format in present form used.</p> <p>Item 19: With regard to additional space, after "Attach," it would probably be helpful to insert "Form MC-020 or another" (or "Form MC-025 or another").</p> <p>B. <u>Form EA-110—Response to Request for Orders to Stop Elder or Dependent Adult Abuse</u></p> <p>Shorten form: If at all possible, please shorten the form so that it fits in 2 pages, a front and back, to minimize the number of pages that need to be served (as blank form) on the respondent.</p> <p>Title: If title to the "Request" is changed to "Request for Protective Orders" as suggested, the title to response could be changed to "Response to Request for Protective Orders."</p> <p>Space for attorney name and address: If</p>	<p>The proposed format is clearer. It provides sufficient space for two agencies.</p> <p>Information about form MC-020 has been provided on the information forms.</p> <p>The form has been shortened to 2 pages.</p> <p>The committee disagreed. Like the request form, the response form should have a title that clearly identifies it as for use in cases involving elder and dependent adult abuse.</p> <p>A line has been added to the</p>

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(revise forms EA-100, EA-110, EA-120, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>you're not using 4 lines, the first line should be a full line, allowing enough room for the attorney's name and bar number. Three full lines should be the minimum in the space for attorney information, even with three lines, there is no room for name of attorney's firm.</p> <p>Items 1-7: Space could be saved if item states on one line: I [box] do [box] do not agree to the order requested. (See DVPA forms.) Also, does the form need to give respondent an opportunity to suggest another order?</p> <p>Item 8: Decrease space so that Response can fit on 2 pages.</p> <p>C. Form EA-120: <u>Notice of Hearing and Temporary Restraining Order</u></p> <p>Item 1—Delete one line of the address for protected person. In the lines for attorney information, I like that you have 4 lines, and would like the same space for attorney information on other forms. The address information space should be the same on all forms, even if it is only 3 lines (as computer</p>	<p>space for attorney name and address.</p> <p>Saving space is not necessary. The opportunity to agree to certain orders is beneficial.</p> <p>This has been done. The form is only two pages.</p> <p>The committee agreed.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>programs transfer the information from one form to the next so it is best if the number of lines is consistent).</p> <p>Item 1—Description of restrained person: Can this be made more compact to save room? Also, as suggested for EA-100, delete request for home address and work address. Page 4 of the form leaves a space for an address to be included for service of the order after hearing by mail.</p> <p>Item 6: Delete free-standing line at end of this item. This is not correct. If the restrained person resides with the protected person and the order includes a move-out order, then the order to stay away from the protected person's home does and should prevent the restrained person from going to his or her home. Allowing the restrained person to return home would defeat the purpose of the TRO.</p> <p>Item 11 (circulated as item 10): May be able to save space by reducing number of lines for this item.</p> <p>Item 13 (circulated as item 12): Please do</p>	<p>The committee disagreed. This information is useful for law enforcement. It has also developed new confidential form EA-102 containing additional information.</p> <p>The committee agreed.</p> <p>A line has been eliminated.</p> <p>The provisions on which</p>

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(revise forms EA-100, EA-110, EA-120, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>not add another item that must be served on the respondent in these cases. In DVPA cases, only the TRO, the Request for Order and a blank Answer must be served. If the present forms go into effect, service of all the forms listed would require service of 18 pages, plus attachments. Copying and service of all these pages is cumbersome for the protected person and probably overwhelming for the restrained person. Fairly detailed instructions for responding are provided in item 16—what about just including a statement that for additional information in responding to a request for orders, see form EA-151, (I don't know if you would need to add "available at the court clerk's office"). Also, with regard to the proof of firearms turned in, instead of requiring petitioners to attach these forms, why not just include a sentence that would precede the last sentence in item 15, saying something like "Form EA-145 may be used for this purpose"?</p> <p>(As a practical matter, in pro per respondents rarely complete and serve the blank response form provided; if they want to contest the issuance of a restraining</p>	<p>documents must be served should be retained. However, item 13 has been revised to clarify that 4 items must always be served (hence, the boxes in front of them has been removed), and service of 2 items depends on circumstances (hence, the boxes have been retained.)</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>order, they just show up at the hearing to oppose the restraining order. I am not suggesting that we not include a blank response form, only that additional forms not be included in the forms to be served.)</p> <p><u>D. Form EA-125—Request and Order on Reissuing Temporary Restraining Order</u></p> <p>Name: Why not call it “Request and Order for Reissuance of Temporary Restraining Order”?</p> <p>I have been asked by the local law enforcement folks to provide a date of birth for the restrained person when I fax them a Reissuance. Apparently, the computer requires this information and they can’t readily access the TRO on the computer when they are inputting information (or something like this). They have suggested that the descriptive information on the restrained person be included on the new forms, so I am passing along the suggestion.</p> <p>Item 4: I am not aware of courts sending elder abuse cases to mediation or other dispute resolution services (as is done in</p>	<p>The committee agreed that the proposed title is more accurate.</p> <p>The committee has added the same description box to form EA-125 as on form EA-120. It contains the required information. It also recommends the adoption of new form EA-102, which contains this and other information.</p> <p>The committee agreed. On item 4, the committee has deleted subpart b on mediation.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>cases involving custody and visitation issues, etc.). Is this happening in some counties? If not, you may be able to delete b.</p> <p>E. Form EA-130—<u>Restraining Order to Stop Elder or Dependent Adult Abuse After Hearing</u></p> <p>Title: Doesn't make clear that it is a restraining order after hearing, just that the order is to stop the abuse after the hearing. Why not just continue to call the order "Restraining Order After Hearing"?</p> <p>Item 2: As before, I would suggest deleting home and work address here.</p> <p>Item 3: Rather than listing the parties and lawyers present, I think it would be helpful to include what is item 2 in the present Restraining Order After Hearing form, and in item 18 of the DVPA Restraining Order After Hearing form, so that petitioner knows if order can be served by mail or not.</p>	<p>The committee agreed that the title should be changed to be clearer, but still identifying the type of proceeding. It recommends changing the title to: "Order After Hearing Restraining Elder and Dependent Adult Abuse."</p> <p>The committee disagreed, for the reasons stated above.</p> <p>The committee disagreed. The information as provided in item 2 is useful and needed to show that service by mail is proper under Welfare and Institutions Code section 15657.03(e). However, some corrections have</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>This could be here, or later, as in the DVPA form.</p> <p>Item 4: This is somewhat confusing in that the first sentence states that the person in 2 must obey... and the next sentence says "if you do not obey," which could be taken to apply to both parties. Would seem better to include this in the next section. Could direct that section to the person in 2, and tell them "You must obey...if you do not obey..."</p> <p>Item 5: The expiration date should be easy to see and on the first page of the order. You could move item 4 to item 5 and item 5 to item 4. Or you could use a format similar to that on item 4 of the DVPA form. In any case, expiration date should be right up front.</p> <p>Item 7: As in the TRO form, delete free-standing line at end of this item. This is not correct. If the restrained person resides with the protected person and the order includes a move-out order, then the order to stay away from the protected person's home</p>	<p>been made to the terminology used to describe the parties in item 3 in the version circulated for comment.</p> <p>The committee agreed that this item should be rewritten to be clearer and should be relocated to the next page.</p> <p>The committee agreed that this item should be moved to the previous page.</p> <p>The committee agreed. This line has been deleted.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>does and should prevent the restrained person from going to his or her home. Allowing the restrained person to return home would defeat the purpose of the restraining order.</p> <p>Item 13: Delete the sentence in this item (it applies to Civil Harassment cases) and replace with the sentence you have in item 14 of the TRO (EA-120).</p> <p><u>Instruction Forms</u></p> <p>On form EA-142, page 1, in the middle of the page, "waiver" should be corrected to "waiver." On form EA-142, page 2, instead of directing people to take a copy of orders to the sheriff's department, change to the (or your) "local law enforcement office" or as the DVPA form uses "your local police." I do not know about other counties, but in SF, the SFPD, not the sheriff enters orders into CLETS. Also, this form deals with the proof of service, but you direct the person to take "orders" to the police. Do you mean to say that they should take the proof of service to the police? If you change to "proof of service" here, delete last sentence of this</p>	<p>The committee agreed. This change has been made.</p> <p>The spelling of "waiver" has been corrected. The phrase "your local police" has been substituted for "sheriff's department."</p> <p>The committee agreed. The form has been revised to refer to "proof of service of the orders" and the last sentence has been deleted.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			bullet. On form EA-150, in the list of forms of abuse, insert physical abuse first and as a separate category (it is the most common). "Harm" is vague. What about inserting "mentally or emotionally abused" instead? On form EA-151, it states that the respondent "must" fill out form EA-110. Would it be better to use "should"? It would be nice if this form was completed, but generally respondents do not do so, but just show up in court to argue their case. (Although maybe if you keep it as "must" respondents will actually begin using the form.) [If pending legislation is passed, the two-day service provision will be changed to five days, and the form should be modified to show this.] Also, if the petitioner serves the request 2 days before the hearing, it may be hard for the respondent to complete, serve, and file the form. Regarding service, form EA-141 is optional; would it be better to say that the person "should" fill out form EA-141?	The committee agreed. The language has been revised to direct respondents to "fill out Form EA-110" if they disagree with the proposed orders. The committee agreed that "should" is preferable for the proof of service form.
6. Mr. Craig Holmes	N	Y	We would suggest that on form EA-100,	Form EA-100 and other related

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
Assistant District Attorney Office of the District Attorney Stockton			<p>item 3 be changed to reflect the language contained in the DV-100 form— “besides you, who needs protection (family or household members).” This would protect spouses, grandchildren, relatives, caregivers, or others living with the elder. Other related forms should also reflect such a change.</p> <p>In its final form, will both sides of the page be used? We would suggest that both sides be used, otherwise the packet is too large and those who wish a restraining order will be intimidated by the thickness and sheer number of pages to fill out.</p>	<p>forms do not contain the same language as the domestic violence prevention forms because the elder and dependent adult abuse prevention statutes do not contain provisions protecting other family or household members similar to those in the domestic violence prevention statutes.</p> <p>The forms that will be made available may be used in either a single- or double-sided version. Courts and others that provide such forms may make them available in a two-sided version.</p>
7. Ms. Sharon Hoover Deputy CEO Superior Court of California, County of Solano Fairfield	A	N	No comments.	No response required.
8. Mr. Dennis B. Jones Court Executive Officer Superior Court of California, County of Sacramento Sacramento	AM	N	We request that the forms be modified to include a space for the protected person’s date of birth as this is required to enter the restraining order into the CLETS system.	The commentator is correct that CLETS seeks the date of birth of the protected person. To provide this information and also preserve confidential

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			Also, while we support the plain language concept, these revisions make the forms quite long and they could be confusing to the elders who fill them out on their own. We suggest shortening the form.	information about the date of birth, the committee has developed a Confidential CLETS Information Form, form EA-102, based on form DV-260. The form has been shortened to the extent that this was feasible.
9. Ms. Cheryl Kanatzar Deputy Executive Officer Superior Court of California, County of Ventura Ventura	AM	N	Form EA-100: Typo of page 10, item 16 "be." Form EA-142: Typo on page 1 "waiver." Form EA-150: Graphics blurry on page 2. Form EA-151: Graphics blurry on page 1.	These corrections have been made.
10. Ms. Peggy Kelly and Ms. Valerie Fercho-Tillery Field Representative/Manager Automated Systems Program California Department of Justice Sacramento	AM	N	<u>EA-120-Notice of Hearing and Temporary Restraining Order</u> Elder of Dependent Adult Abuse forms that do not carry a firearm restriction (because it has been determined by the court the abuse is solely financial) should be a totally separate form, numbered as EA-120F and EA-130F (F standing for financial abuse only). For years, we have had trouble with the firearm check boxes on other order	Developing a separate set of forms to be used for cases involving solely financial abuse is beyond the scope of the current proposal. Such forms would need to be drafted, reviewed, and circulated for comment.

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>types. The check boxes are not always properly checked by the court when it should apply OR only one of the boxes is checked (for example, the relinquishment order only, which would still allow for the purchase of firearms). Separate forms would make check boxes unnecessary and be much simpler for the restrained and protected persons to understand and for law enforcement to enforce.</p> <p>No where in the title or bottom on this form does it state that this is for Elder or Dependent Adult Abuse. Please add that language (similar to the proposed EA-130).</p> <p>At the bottom of all 5 pages of the order, for CLETS purposes, this is not a TRO. It would be a TEA or TEF (TEF is for financial abuse only orders). Please correct to read CLETS – TEA or TEF.</p> <p>Page 1 of 5, item 4b, first sentence, you may want to add "...and has issued the temporary orders against you specified on pages 2, 3 and 4."</p>	<p>However, statements have been added to the petition and orders (forms EA-100, EA-120, and EA-130) indicating whether a case involves only financial abuse. This should make it easier for the courts, law enforcement, and others to identify such cases.</p> <p>The committee agreed. This language identifying the form group has been added.</p> <p>The committee agreed. The new CLETS nomenclature has been added at the bottom of the orders.</p> <p>The committee agreed; the reference should include page 4.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>Page 2 of 5, remove the check box at the top of the page next to "Temporary Orders Against the Restrained Person." The court should be completing item 4; therefore, this box is not necessary.</p> <p>Page 3 of 5, Service of Order on Law Enforcement. Can the language be changed to be similar to the CH-120? For consistency among the orders, this would help not only law enforcement, but court personnel because the check boxes would not be necessary.</p> <p>Page 4 of 5, Time for Service. The box next to "Time for Service" should be removed because service is mandatory. Can the language be changed to be similar to the CH-120? For consistency among the orders, this would help not only law enforcement, but court personnel as well.</p> <p><u>EA-125-Request and Order on Reissuing Temporary Restraining Order</u></p> <p>At the bottom of both pages of the order, for CLETS purposes, this is not a TRO. It would be a TEA or TEF (TEF is for</p>	<p>The committee agreed.</p> <p>The committee disagreed. This item allows for an option not available on form CH-120, namely, ordering the court clerk to deliver the order to law enforcement.</p> <p>The committee agreed; the box has been removed. The language is designed to be similar to that on the Domestic Violence Prevention forms.</p> <p>The committee agreed. The new CLETS nomenclature is used in the footer.</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			financial abuse only orders). Please correct to read CLETS-TEA or TEF. <u>EA-130—Restraining Order to Stop Elder or Dependent Adult Abuse After Hearing</u> At the bottom of all 3 pages of the order, for CLETS purposes, this is not an OAH. It would be a EAR or EAF (EAF is for financial abuse only orders). Please correct to read “CLETS-EAR or EAF.” Elder or Dependent Adult Abuse forms that do not carry a firearm restriction (because it has been determined by the court the abuse is solely financial) should be a totally separate form, numbered as EA-120F and EA-130F (F standing for financial abuse only). For years, we have had trouble with the firearm check boxes on other order types. The check boxes are not always properly checked by the court when it should apply OR only one of the boxes is checked (for example, the relinquishment order only, which would still allow for the purchase of firearms). Separate forms would make check boxes unnecessary and be much simpler for the restrained and protected	<p>The committee agreed. The new CLETS nomenclature is used in the footer.</p> <p>Developing forms for use in cases involving solely financial abuse is beyond the scope of the current proposal that was circulated for comment.</p> <p>While developing separate forms would require additional time, items have been added to the current petitions and orders to indicate whether or not a case involves solely financial abuse.</p>

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>persons to understand and for law enforcement to enforce.</p> <p><u>EA-140–Proof of Personal Service</u></p> <p>At the bottom of the page, add “CLETS” after “Proof of Personal Service.” This will make the form consistent with the other forms for proof of service (DV-200).</p> <p><u>EA-141–Proof of Service by Mail</u></p> <p>At the bottom of the page, add “CLETS” after “Proof of Service by Mail.” This will make the form consistent with the other forms for proof of service (DV-250).</p> <p><u>EA-145–Proof of Firearms Turned In or Sold</u></p> <p>Can this form be combined with the CH-145? They look the same and it would save everyone by not having to deal with another form. (The DV-800/IV-252 Proof of Firearms Turned In or Sold are combined.)</p>	<p>The committee agreed.</p> <p>The committee agreed.</p> <p>The committee disagreed. There are advantages to having separate forms for each case type, particularly for persons searching for forms to use.</p>
11. Ms. Tressa Kentner and Debra Meyers	AM	N	<u>EA-100 Form–Request for Orders to Stop Elder or Dependent Adult Abuse</u>	

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(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
Court Executive Officer and Chief of Staff Counsel Services Superior Court of California, County of San Bernardino San Bernardino			Item 16. Delivery of Order to Law Enforcement “I request that copies of the court’s orders by (sic – should be “be”) given by (check one).”	The committee agreed; this correction has been made.
12. Ms. Cristina Llop Director Superior Court of California, County of San Francisco San Francisco	AM	N	<p>1. The language in the request (Form EA-100, item 10) should correspond to the language in the orders (forms EA-120 and EA-130).</p> <p>2. On forms EA-120, item 7 and form EA-130, item 8, add “and not return” (similar the request on form EA-100, item 12).</p> <p>3. On form EA-120, item 13, “restrained person” should be “person in (2).”</p> <p>4. On form EA-120, page 4, the warning box should be clearer.</p> <p>5. On form EA-125, recommends changing the title the “Request and Order and Reissuing Temporary Restraining Order.”</p>	<p>1. The committee agreed. The language should be consistent.</p> <p>2. The committee agreed.</p> <p>3. The committee agreed.</p> <p>4. The committee agreed.</p> <p>5. The committee agreed that the title should be changed to: “Request and Order for the Reissuance of Temporary Restraining Order.”</p>

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>6. On form EA-142, page 1, "waiver" should be "waiver."</p> <p>7. On form EA-150, under "Can I Get a Restraining Order?" "over 65 years" should be "65 years or older." Under "How much does it cost?" "for a fee" should be "free." Under "Do I need to bring a witness to the court hearing?" "witnesses' written statements" should be "written statements from witnesses."</p> <p>8. On form EA-151, under "Who can ask for a restraining order?" "needed to avoid harm or suffering" should be "necessary to live on." Also "What if I don't obey the order?" and "What if I do not agree with what the order says?" should be consistent. And under "Can I bring witnesses to the court hearing?" "the witnesses' written statements" should be "written statements from the witnesses."</p>	<p>6. The committee agreed; correction has been made.</p> <p>7. The committee agreed.</p> <p>8. The committee agreed.</p>
13. Mr. David L. Mandel Supervising Attorney Senior Legal Hotline Sacramento	A	N	Often a result of the mutual accusations that flow from a filing for elder abuse (and other) restraining orders is a counteraccusation by the initial respondent	

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(revise forms EA-100, EA-110, EA-120, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>that leads to mutual restraining orders.</p> <p>While this may not be ideal from a human relations standpoint, in any cases, it can leave both sides in a contentious dispute feeling partially vindicated and can serve to defuse a dangerous situation. It's my anecdotal impression that such mutual order are common, and this is probably why.</p> <p>Why not, then, include a couple of additional items that might facilitate this outcome? For instance: (a) In EA-100, a space where the initial requestor can promise from the start to take or not take certain actions that might contribute to de-escalation, (b) In EA-110, a section that permits the responding party to request mutual orders.</p> <p>The very end of EA-150 leaves space for "local information" on where to get help. That's great, but it would be even better to insert statewide our telephone number, Web site if space and eligibility information (over 60) as a place to get "confidential legal advice by telephone." It may also be included in EA-151, though that would inevitably create conflicts for use in some situations where both parties are over 60.</p>	<p>The committee disagreed with this suggestion. The response form already provides an opportunity for the respondent to propose orders that he or she will agree to.</p> <p>Staff will explore the possibilities of providing more information on the Court Web site.</p>

SPR06-09

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			But that would be true if the same information is included in both forms about local legal aid programs, for instance.	
14. Ms. Julie M. McCoy Orange County Bar Association Irvine	A	N	No comments.	No response required.
15. Ms. Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services The State Bar of California San Francisco	AM	Y	The Standing Committee on the Delivery of Legal Services (SCDLS) generally supports the proposed changes in the spring 2006 cycle that will simplify court forms. We commend the Judicial Council for its ongoing effort to revise court forms into plain and simple English, which greatly improves access to California's courts for unrepresented persons and others who have difficulty reading and understanding legal documents. We support the simplification efforts in the following proposal: SPR06-09: Elder Abuse Prevention: Plain-Language Forms.	The committee agreed that the development of plain-language forms should improve access.
16. Mr. Michael M. Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	N	No additional comments.	No response required.
17. Mr. Vic Rugnetta	N	Y	Forms EA-120, EA-125, and EA-130—DOJ	The forms are being modified to

Elder Abuse Prevention: Plain-Language Forms

(revise forms EA-100, EA-110, EA-120, EA-125, EA-130, EA-140, EA-141, EA-142, EA-143, EA-145, EA-150, and EA-151)

Commentator	Position	Comment on behalf of group?	Comment	Committee Response
Deputy LA County Sheriff Alhambra			has implemented new elder abuse codes specifically covering financial abuse. None of the proposed EA orders allow the courts to indicate this on the form.	reflect recent changes in the CLETS system; additional changes may be made later. (See responses to comment 10.)
18. Ms. Michele Di Tano Schroeder Supervising Attorney Senior Adults Legal Assistance San Jose	AM	N	1. Proposed form EA-100 contains item 18 requesting an order for free service. A note in parentheses below item 18 explains that in order to obtain free service, the petitioner must qualify for a fee waiver by filing an Application for Waiver of Court Fees and Costs. Item 14 in proposed form EA-120, Notice of Hearing and Temporary Restraining Order, corresponds to Item 18 in proposed form EA-100, in that it allows the court to order service without charge if the petitioner is eligible for a fee waiver. However, proposed form EA-130, which would be the order after hearing, does not correspond to either EA-100 or EA-120, with respect to free service. Item 13 in EA-130 allows the court to order service without charge because "the order is based on stalking or a credible threat of violence resulting from a threat of sexual assault or stalking." There is no mention of the petitioner being eligible for a fee waiver. Item 13 in EA-130 should be modified to	1. The committee agreed that item 18 on form EA-130 should be corrected to indicate that the sheriff or marshal will serve the order of the person to be protected qualifies for a fee waiver. The language in form EA-130 was inadvertently carried over from a form used in civil harassment cases, in which the requirements for free service are different.

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Commentator	Position	Comment on behalf of group?	Comment	Committee Response
			<p>make it consistent with the items regarding free service in EA-100 and EA-120.</p> <p>2. Our organization frequently represents elderly couples who both desire restraining orders. However, the Request for Orders form EA-100 is set up for one petitioner only. It would be helpful if EA-100 could be modified to allow for the possibility of co-petitioners so that when organizations such as ours represent couples, we do not have to complete two separate petitions.</p>	<p>2. This proposal is beyond the scope of the current proposal; however, the committee will consider it for future revisions.</p>
19. Mr. Scott Thomas Court Investigator Superior Court of California, County of Contra Costa	AM	N	<p>In my experience, most elder abuse cases are not brought by the abused person, but by a third party. This form is oriented to be completed by the person being abused, and is difficult for a third party to complete. The form should be more like the guardianship form; with "the person asking for protection" being akin to the petitioner, and "the person to be protected" (language suggested) being akin to the child.</p>	<p>The committee disagreed. The forms (particularly form EA-100, item 3) properly identify third persons who may legally bring an action on behalf of an abused elder or dependent person.</p>