EA-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of person to be protected:

_____

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

This is a Court Order.

Case Number:

Your name: _____

5 ☐ Additional Protected Persons

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

Name	Sex	Age

☐ *Additional protected persons are listed at the end of this Order as EA-120 Attachment 5.*

Temporary Orders Against the Restrained Person

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

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

6 ☐ Personal Conduct Orders

You must **not** do the following things to the person listed in 1 and each person listed in 5:

☐ a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.

☐ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.

☐ c. Take any action, directly or through others, to obtain the addresses or locations of the person in 1 or of that person's family or caretakers. *(If item c. is not checked, the court has found good cause not to make this order.)*

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

7 ☐ Stay-Away Orders

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

a. ☐ The person listed in 1

b. ☐ The home of the person in 1

c. ☐ The job or workplace of the person in 1

d. ☐ The vehicle of person in 1

e. ☐ The persons listed in 5

f. ☐ Other *(specify):* _____

8 ☐ Move-Out Order

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

and must take only the personal clothing and belongings you need until the hearing.

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.

This is a Court Order.

Case Number:

Your name: _____

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,* Proof of Firearms Turned In or Sold, *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 as EA-120 Attachment 12.*

Instructions for the Protected Person

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

13 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)

14 Service of Documents

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

a. Form EA-120, *Notice of Hearing and Temporary Restraining Order* (completed and filed-stamped)

b. Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (completed and filed-stamped)

c. Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)

d. Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*

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

e. ☐ Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)

f. ☐ Other *(specify):* _____

You must file with the court before the hearing a proof of service of these documents on the person in 2.

(For help with service, read Forms EA-142-INFO and EA-150-INFO.)

This is a Court Order.

Case Number:

Your name: _____

Order to Both Parties on Service

15 ☐ Time for Service

A To: Person Asking for Order

Someone 18 or over—**not you or anyone protected by this order—**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 .)

16 No Fee to Notify (Serve) Restrained Person

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

Date: _____

▶ _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

17 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 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.

18 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 15 of this form. You cannot serve the person in 1. 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. Form MC-030, *Declaration,* 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 to his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Case Number:

Your name: _____

19 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

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

Information for All Parties

Requests for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.