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

What is a Restraining Order?

It is a court order that helps protect people from being abused.

Can I get a Restraining Order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

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

What if I am deaf?

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

What forms do I need to get the order?

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

Where can I get these forms?

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

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

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

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

What if the restrained person does not obey the order?

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

How much does it cost?

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

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

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

Requests for Accommodations

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

American LegalNet, Inc.
www.Forms*Workflow*.com

Do I have to go to court?

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

Do I need a lawyer?

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

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

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

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

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

Will I see the restrained person at the court hearing?

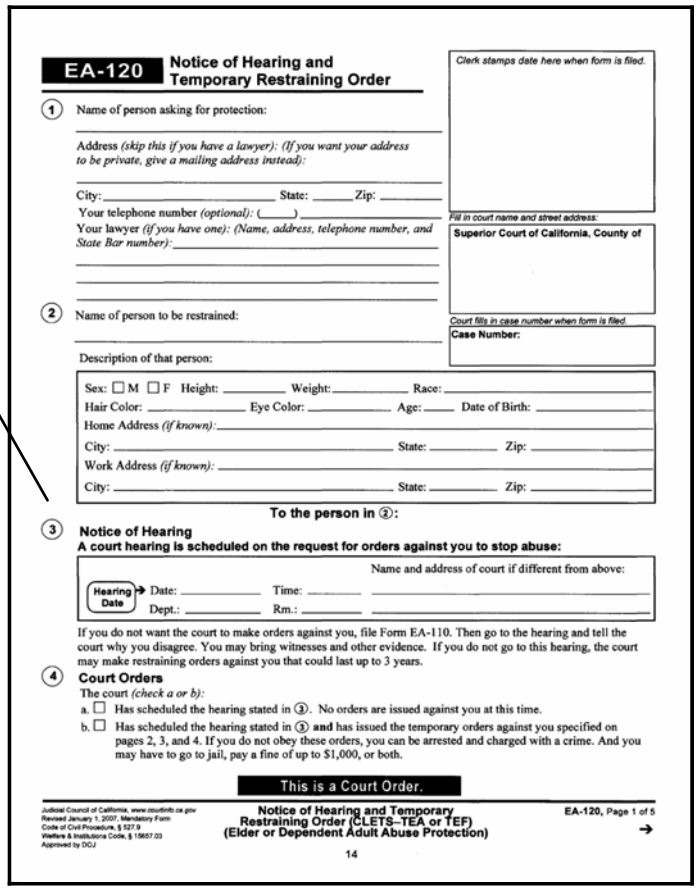
If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

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

What if I don't speak English?

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



EA-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed.

(1) Name of person asking for protection:

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

City: State: Zip:

Your telephone number *(optional):* ( )

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

Fill in court name and street address: Superior Court of California, County of

(2) Name of person to be restrained:

Court fills in case number when form is filed. Case Number:

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.

Judicial Council of California, www.courtinfo.ca.gov
Revised January 1, 2007, Mandatory Form
Code of Civil Procedure, § 527.9
Welfare & Institutions Code, § 15657.03
Approved by DOJ

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

EA-120, Page 1 of 5

14

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.]