

These instructions cannot cover all of the problems and questions that may arise in a particular case. If you do not know what to do to protect your student's rights, you should see a lawyer.

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 or are being:

- 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

You can also ask for protection for family members and other people who live with you.

What forms do I need to get the order?

You must fill out all of Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, and Form EA-102, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025. You must also fill out items 1 and 2 on Form EA-109, *Notice of Court Hearing*, and items 1, 2, and 3 on Form EA-110, *Temporary Restraining Order*.

Where can I get these forms?

You can get the forms at any courthouse or county law library or at www.courts.ca.gov/forms.

What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (You may get assistance in filing your request from a self-help center or legal aid association.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

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. Ask if the *Notice of Court Hearing* and *Temporary Restraining Order* will be mailed to you, or whether you should wait or come back later.

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 five years.

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

Someone over 18 years of age—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out Form EA-200, *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for Form EA-200 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 a 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.

Do I have to go to court?

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

Do I need a lawyer?

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

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

Witnesses are not required, but it helps to have more proof of the abuse than just your word. 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 their written statements under oath 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 or anyone else to be protected by the order to interpret for you.

EA-109	Notice of Court Hearing	Clerk stamps date here when form is filed.						
1 Elder or Dependent Adult in Need of Protection Full Name: _____								
2 Person From Whom Protection is Sought Full Name: _____								
<i>The court will fill out the rest of this form.</i>								
To The Person in 2								
3 Notice of Hearing A court hearing is scheduled on the request for orders against you to stop harassment:								
<div style="border: 1px solid black; padding: 5px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px;">Hearing Date</td> <td style="border: 1px solid black; padding: 2px;">Date: _____</td> <td style="border: 1px solid black; padding: 2px;">Time: _____</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;"></td> <td style="border: 1px solid black; padding: 2px;">Dept.: _____</td> <td style="border: 1px solid black; padding: 2px;">Room: _____</td> </tr> </table> Name and address of court if different from above: _____ _____ </div>	Hearing Date	Date: _____	Time: _____		Dept.: _____	Room: _____		
Hearing Date	Date: _____	Time: _____						
	Dept.: _____	Room: _____						
If you want to respond to the request for orders in writing, file Form EA-120, <i>Response to Request for Order to Stop Elder or Dependent Adult Abuse</i> . Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms that you own or possess.								
4 Temporary Restraining Orders <i>(Any orders granted are on Form EA-110, served with this notice.)</i> a. Temporary Restraining Orders as requested in Form EA-100, <i>Request for Orders to Stop Elder or Dependent Adult Abuse</i> , are (check only one box below): (1) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. <i>(Specify reasons for denial in b, below.)</i> (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. <i>(Specify reasons for denial in b, below.)</i> b. Reasons for denial of all or some Temporary Restraining Orders as requested in Form EA-100, <i>Request for Orders to Stop Elder or Dependent Adult Abuse</i> , are: (1) <input type="checkbox"/> The facts as stated in form EA-100 do not show or describe acts of harassment in sufficient detail. (2) <input type="checkbox"/> Other <i>(specify)</i> <input type="checkbox"/> As stated on Attachment 4b.								
This is a Court Order.								
Judicial Council of California, www.courtinfo.ca.gov New January 1, 2011, Mandatory Form Welfare & Institutions Code, § 19557.03 Approved by DOJ		Notice of Court Hearing (Elder or Dependent Adult Abuse Protection)						
		EA-109, Page 1 of 3						



What if I am deaf or hard of hearing?

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

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 that they will know about your orders.

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

No. Once the order is issued, only the judge can change or cancel it.

For help in your area, contact:

[Local information may be inserted.]