

Clerk stamps date here when form is filed.

**DRAFT 12 BG
January 14, 2011**

**Not Approved by the
Judicial Council**

Person in ① must complete items ①, ② and ③ only.

① Elder or Dependent Adult in Need of Protection

Full Name: _____

Name of person asking for the protection, if different:
(This is the person named in item ③ of the request (Form EA-100).)

Address *(Skip this if the person above has a lawyer. A mailing address instead of a home address may be given if privacy is a concern.):*

City: _____ State: _____ Zip: _____

Telephone (optional): _____ Fax (optional): _____

Your Lawyer *(if you have one)*

Name: _____ State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Fax No.: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Person You Want Protection From

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home address (if known): _____

City: _____ State: _____ Zip: _____

③ Additional Protected Persons

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

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Protected Person</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3, - Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.



To the Person in ②

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders **Granted** **Not Granted** **Not Requested**

- a. You must **not** do the following things to the elder or dependent adult named in ① and the persons in ③ :
- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location.
If item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other *specify*: _____

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

⑥ Stay-Away Orders **Granted** **Not Granted**

- a. You **must** stay at least (*specify*): _____ yards away from the elder or dependent adult named in ① and the persons in ③ and (*check all that apply*):
- (1) Those persons' homes
 - (2) Those persons' jobs or workplaces
 - (3) Those persons' vehicles
 - (4) Those persons' schools or places of child care
 - (5) Other *specify*: _____

- b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ Move-Out Order **Granted** **Not Granted** **Not Requested**

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

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

⑧ Firearms Prohibition and Relinquishment **Granted** **Not Granted**

This order must be granted unless the abuse is financial only.

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

This is a Court Order.



b. You must:

- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession 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 that your guns or firearms have been turned in or sold. (*You may use Form EA-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possesses a firearm.

9 Financial Abuse

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

10 Other Orders (specify): **Granted** **Not Granted** **Not Requested**

Additional orders are attached at the end of this Order on Attachment 10.

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in **1** or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

12 No Fee to Serve (Notify) Restrained Person

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

13 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.

Warnings and Notices to the Restrained Person in ②

Possession of Guns or Firearms

If the court grants the orders in item ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition 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 a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form EA-109, *Notice of Court 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 this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert last-known address of the person in ②*):

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form EA-120-INFO, *How Can I Respond to a Request for Orders to Elder or Dependent Adult Abuse?*, to learn how to respond to this Order.
- If you want to respond, fill out Form EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have Form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail within the time given in item ⑦ of Form EA-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the mailing should complete and sign Form EA-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend 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 up to five years.

This is a Court Order.

Instructions for Law Enforcement

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.

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *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.