

EA-120-INFO

How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?

What is an elder or dependent adult abuse protective order?

It is a court order that will prohibit you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any guns as long as the order is in effect

Who can ask for a Restraining Order?

A person who is being:

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

I've been served with a petition to stop elder or dependent adult abuse. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

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-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk's office or on the California Courts website: www.courts.ca.gov/forms.

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

Yes. Have someone—**not you**—mail a copy of completed Form EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out Form EA-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on Form EA-109. If you do not go to court, the judge can make orders without hearing from you that last up to five years.

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: _____

The court will fill out the rest of this form.

To The Person in 2

3 Notice of Hearing
A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date: _____ Date: _____ Time: _____
Dept.: _____ Room: _____
Name and address of court if different from above:

Fill in court name and street address:
Superior Court of California, County of _____
Court file in case number when form is filed.
Case Number: _____

If you want to respond to the request for orders in writing, file Form EA-120, *Response to Request for Order to Stop Elder or Dependent Adult Abuse*. 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 (Any orders granted are on Form EA-110, served with this notice.)

a. Temporary Restraining Orders as requested in Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, are (check only one box below):

(1) All GRANTED until the court hearing.

(2) All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of all or some Temporary Restraining Orders as requested in Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, are:

(1) The facts as stated in form EA-100 do not show or describe acts of harassment in sufficient detail.

(2) Other (specify) As stated on Attachment 4b.

This is a Court Order.

Notice of Court Hearing
(Elder or Dependent Adult Abuse Protection)

Judicial Council of California, www.courts.ca.gov
New January 1, 2011, Mandatory Form
Welfare & Institutions Code, § 15657.03
Approved by DOJ

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How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing could last for up to five years.

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.

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

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

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 age 18 to interpret for you.

What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to a licensed gun dealer or turn it in to a law enforcement agency.

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

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

What if I am deaf or hard of hearing?**Request for
Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court 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.)

For help in your area, contact:

[Local information may be inserted]