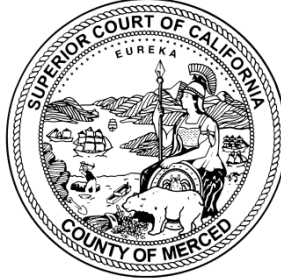


**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF MERCED**



**ELDER ABUSE RESPONSE PACKET**

<b>FORMS INCLUDED IN THIS PACKET</b>	
How Can I Respond to a Request for Elder or Dependent Adult Restraining Orders?	Judicial Council Form #EA-120-INFO
Response to Request for Elder or Dependent Adult Abuse Restraining Orders	Judicial Council Form #EA-120
Proof of Service of Response by Mail	Judicial Council Form #EA-250

Rev 3/15/2021

PRICE: **\$2.00**

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## EA-120-INFO

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

### What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits 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 is protected by 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

A conservator may seek an order on behalf of an elder or dependent adult.

### I've been served with a request for elder or dependent adult abuse restraining orders. 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 Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

Yes. Have someone age 18 or older—**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, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

**EA-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: \_\_\_\_\_  
☐ Person requesting protection for the elder or dependent adult, if different (person named in item 2 of Form EA-100):  
Full Name: \_\_\_\_\_  
Lawyer for person named above (if any for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
b. Firm Name: \_\_\_\_\_  
Address for person named above (if you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
Superior Court of California, County of \_\_\_\_\_  
Court (file in case number when form is filed):  
Case Number: \_\_\_\_\_

**2 Person You Want Protection From**

Full Name: \_\_\_\_\_  
The court will complete the rest of this form.

**3 Notice of Hearing**

A court hearing is scheduled on the request for restraining orders against the person in 2):

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

**4 Temporary Restraining Orders** (Any orders granted are on Form EA-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* 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.)

Judicial Council of California, www.courts.ca.gov  
Revised January 1, 2012, Standard Form  
Welfare and Institutions Code, § 15657.25  
Approved by DOJ

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

EA-109, Page 1 of 3



**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 can 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.

**For help in your area, contact:**

*[Local information may be inserted.]*

**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 should ask someone age 18 or older to interpret for you.

**What if I have a gun?**

If a restraining order is issued, unless the order is to prevent financial abuse only, 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 or store it with 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. You or the protected person would have to file a request with the court to cancel the order.

**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 court days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons with Disabilities and Response (Form MC-410). (Civ. Code, § 54.8.)

# Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

## Use this form to respond to the *Request* (form EA-100)

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use form EA-250, Proof of Service of Response by Mail.)

### ① Elder or Dependent Adult Seeking Protection

Name: \_\_\_\_\_

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

### ② Person From Whom Protection Is Sought

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of  
MERCED**

\_\_\_ 627 W. 21st St., Merced, CA 95340

\_\_\_ 1159 G St., Los Banos, CA 93635

Court fills in case number when form is filed.

**Case Number:**

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item ③, here:

**Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** At the hearing, the court may make orders against you that last for up to five years.

### ③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑬ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑬ on page 4):

\_\_\_\_\_  
\_\_\_\_\_

### ④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑬ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑬ on page 4):

\_\_\_\_\_  
\_\_\_\_\_



**5** ☐ **Move-Out Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (*Specify why you disagree in item (13) on page 4.*)
- c. ☐ I agree to the following orders (*specify below or in item (13) on page 4*):
- 
- 

**6** ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item (6) of form EA-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item (6) of form EA-100 may be protected by the order requested.

**7** ☐ **Order for Counseling or Anger Management Courses**

**i** This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (*Specify why you disagree in item (13) on page 4.*)
- c. ☐ I agree to the following orders (*specify below or in item (13) on page 4*):
- 
- 

**8** **Guns or Other Firearms and Ammunition**

**If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item (8) of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.**

- a. ☐ I do not own or control any guns, firearms, magazines or ammunition.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*Explain*):
- ☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.*
- 
- 

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.
- A copy of the receipt ☐ is attached. ☐ has already been filed with the court.





**13** ☐ **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 13—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

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**14** ☐ **Lawyer's Fees and Costs**

- a. ☐ I ask the court to order payment of my ☐ lawyer's fees ☐ court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>

- ☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 14—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

- b. ☐ I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.

**15** Number of pages attached to this form, if any: 


---

Date: 

---

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Lawyer's name (if any)

---

Lawyer's signature


I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 

---

---

Type or print your name

---

Sign your name



**What is “Service”?**

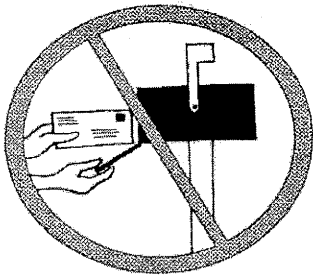
Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The *Request for Elder or Dependent Adult Abuse Restraining Orders* (Form EA-100), the *Notice of Court Hearing* (Form EA-109), and the *Temporary Restraining Order* (Form EA-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

**Why do I have to get the orders served?**

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.



*Don't serve it by mail!*

**Who can serve?**

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders.

The sheriff or marshal may be authorized to serve the court's orders **for free**.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)

**How to serve**

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form EA-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

**What if the person won't take the papers or tears them up?**

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up. Service is still

**When do the orders have to be served?**

It depends. To know the exact date, you have to look at two things on Form EA-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form EA-109.

Next, look at the number of days in item (5) on page 2 of Form EA-109.

③ Notice of Hearing

Hearing Date → Date: \_\_\_\_\_  
Dept.: \_\_\_\_\_

⑤ Service of Documents By the Person in ①

At least ☐ five ☐ \_\_\_\_\_ days before the hearing.

Look at a calendar. Subtract the number of days in (5) from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in (5), you must serve the orders at least five days before the hearing.

**Who signs the *Proof of Personal Service*?**

Only the person who serves the forms can sign Form EA-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

**What do I do with the completed *Proof of Personal Service*?**

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form EA-110) and *Proof of Personal Service* (Form EA-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

**What happens if I can't get the orders served before the hearing date?**

Before your hearing, fill out and file Form EA-115, *Request Continue Court Hearing and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form EA-116, *Notice of New Hearing Date and Order on Reissuance*, to a copy of your original orders. Ask the clerk to enter Form EA-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

**1 Elder or Dependent Adult Seeking Protection**

Name: \_\_\_\_\_

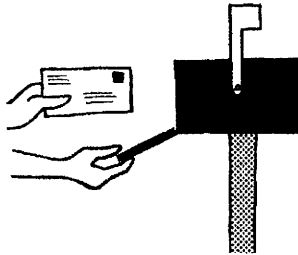
**2 Person From Whom Protection Is Sought**

Your Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be listed in items **1**, **3**, or **6** of Form EA-100.
- Mail a copy of all documents checked in **4** to the person in **1**.
- Complete and sign this form and give it to the person in **2**.



Fill in court name and street address:

Superior Court of California, County of  
**MERCED**  
 2260 N St, Merced CA 95340  
 627 G St, Los Banos, CA  
 93635

Fill in case number:

**Case Number:** \_\_\_\_\_**PROOF OF SERVICE BY MAIL**

- 4** I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in **1** a copy of all documents checked below:

- a. Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)  
 b. ☐ Other (specify): \_\_\_\_\_

- 5** I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): \_\_\_\_\_  
 b. To this address: \_\_\_\_\_  
     City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 c. On (date): \_\_\_\_\_ Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

Type or print server's name

Server to sign here

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