



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-159

For business meeting on September 20, 2022

Title

Protective Orders: Elder Abuse Forms
Implementing New Cause of Action
Allowing Contact

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Rules, Forms, Standards, or Statutes Affected

Adopt forms EA-300, EA-309, EA-315,
EA-316, EA-320, and EA-330; approve
forms EA-300-INFO, EA-315-INFO, and
EA-320-INFO; revise forms EA-200,
EA-200-INFO, and EA-250

Date of Report

August 12, 2022

Contact

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Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

Executive Summary

The Civil and Small Claims Advisory Committee recommends the adoption, approval, and revision of 12 forms to implement certain statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273). AB 1243 created a new cause of action whereby a restraining order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. The proposal incorporates these provisions into the council's elder abuse forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council take the following actions, effective January 1, 2023:

1. Adopt the following forms:
 - *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300);
 - *Notice of Court Hearing to Allow Contact* (form EA-309);
 - *Request to Continue Court Hearing on Request to Allow Contact* (form EA-315);
 - *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316);
 - *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-320); and
 - *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* (form EA-330);

2. Approve the following forms:
 - *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
 - *How to Ask for a New Date for a Hearing to Allow Contact* (form EA-315-INFO); and
 - *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO);

3. Revise the following forms:
 - *Proof of Personal Service* (form EA-200);
 - *What Is "Proof of Personal Service"?* (form EA-200-INFO); and
 - *Proof of Service of Response by Mail* (form EA-250).

The proposed new and revised forms are attached at pages 10–39.

Relevant Previous Council Action

Under the Welfare and Institutions Code, the Judicial Council must provide forms and instructions for use in elder abuse protective order matters. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. The last substantive change to elder abuse protective order forms came in 2020 when the council revised forms EA-100, EA-120, and EA-130 to implement legislation allowing a court to issue an order requiring a restrained person to attend clinical counseling or anger management courses.

Analysis/Rationale

Assembly Bill 1243 (Stats. 2021, ch. 273)¹ made two substantial changes to the laws governing protective orders for elder or dependent adults. First, the law created a new cause of action where an order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. (See Welf. & Inst. Code, § 15657.03(a) & (b).)² Second, the bill allows courts to issue findings related to specific debts incurred as the result of

¹ AB 1243 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243.

² All further statutory citations are to the Welfare and Institutions Code unless otherwise noted.

financial abuse of an elder or dependent adult. (See § 15657.03(b)(5)(D).) When the proposal was circulated for comment, it contained new and revised forms to implement both changes in AB 1243. However, in light of subsequent legislation requiring further revisions to the EA-100 form series,³ this proposal is now limited to new and revised forms necessary to implement the new cause of action in AB 1243. In addition, the committee recommends updated information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders on certain forms in this proposal.

New EA-300 form series

AB 1243 provides that an elder or dependent adult or certain other individuals may obtain a restraining order allowing contact between a specific person and the elder or dependent adult under certain circumstances. Specifically, to issue such an order the court must find, among other things, that the person who wishes to have contact with the elder or dependent adult has a preexisting relationship with the elder or dependent adult and that the elder or dependent adult expressly desires contact with the person. (§ 15657.03(b)(5)(E).)

In addition to the specific findings that must be made for such an order to issue, the new type of order to allow contact also differs from other elder and dependent adult restraining orders because several components of other elder abuse restraining orders are expressly excluded from the new cause of action. For example, notice and a hearing are required for a restraining order allowing contact to issue, meaning temporary restraining orders are not permitted. (§ 15657.03(b)(5)(E)(i).) Additionally, any such orders issued without allegations of force, threat, harassment, or intimidation are not to be transmitted to the Department of Justice and entered into the California Law Enforcement Telecommunications System (CLETS) (§ 15657.03(p)(8)) and the restrained person is not required to relinquish any firearms or ammunition (§ 15657.03(u)(4)).

Given the unique findings that must be made in order for this new type of restraining order to issue and that many of the existing elder or dependent adult restraining order provisions do not apply to orders allowing contact, the committee recommends that, rather than revising the current elder abuse forms (the EA-100 series), a new series of elder abuse forms be adopted for such actions. The proposed new series contains a request form (EA-300), an information sheet about the request form (EA-300-INFO), a notice of court hearing (EA-309), a request to continue the hearing (EA-315), an information sheet about how to use the continuance request form (EA-315-INFO), an order to continue the hearing (EA-316), a form to respond to the petition

³ Specifically, effective June 30, 2022, Assembly Bill 1621 (Stats. 2022, ch. 76) adds a definition of “firearm” for the purposes of elder abuse restraining orders that includes firearm parts, specifically receivers, frames, and “firearm precursor parts” as defined under Penal Code section 16531(a). AB 1621 is not applicable to the new cause of action in AB 1243 that is being implemented in the forms in the instant proposal because individuals restrained under that cause of action are not required to relinquish firearms. (§ 15657.03(u)(4).) Revisions to forms in the EA-100 series to implement the statutory changes in AB 1621 and AB 1243 will be included in a separate proposal which the committee expects to recommend to the council in November.

(EA-320), an information sheet about how to respond (EA-320-INFO), and a form on which to issue the restraining order (EA-330).

Each new proposed form parallels an existing 100-series form without items that do not apply to this new cause of action, and with certain changes. The differences between the original 100-series and the new 300-series include the following:

- The form titles in the EA-300 form series include “allowing contact” or “to allow contact.”
- The forms in the 300-series refer to the parties as the “elders or dependent adults,”⁴ the “person alleged to be preventing contact,” and the “person who wants contact with the elders or dependent adults.”
- The proposed EA-300 forms do not request the identifying characteristics or the address of the respondent, which are entered into CLETS for other restraining orders, and do not contain any reference to relinquishing firearms.
- The 300-series does not contain or reference any of the various other orders that may be obtained in cases of elder or dependent adult abuse generally, such as orders to stay away or move out. Instead, forms in the EA-300 series only refer to an “order allowing contact.”
- The new forms do not permit a request for or refer to temporary restraining orders nor contain a temporary restraining order form, because the new orders are allowed only after notice and hearing.
- The new request form collects information from the petitioner so the court can make the findings required in section 15657.03(b)(5)(E). Such findings are listed on the new order form.
- The request form also explains that orders to allow contact cannot be issued if the elder or dependent adult is a resident of a long-term care facility or a hospital patient, as provided by section 15657.03(b)(5)(E)(iv) and (v).
- The new request and response forms reflects that the petitioner can only request a single order (to allow contact) under the relevant cause of action. Similarly, the order form does not contain orders which the new law does not support, such as the relinquishment of firearms, but does allow the court to make “other orders.”

New EA-300 information sheets

The information sheets relating to the new 300 forms include a description of a restraining order allowing contact and the circumstances that must be present to obtain one. The information sheet

⁴ While form EA-100 permits applicants to request that the orders also protect other persons in the same household, as provided by section 15657.03(b)(5)(A), that section does not apply to orders allowing contact. However, it is possible that more than one elder or dependent adult in the same household is being prevented from seeing a particular person that both elders or dependent adults have a preexisting relationship with. Accordingly, proposed form EA-300 allows multiple elders in the same household to join in the request.

about obtaining this new kind of order also directs filers to form EA-100-INFO for information about obtaining a restraining order based on other types of abuse.

Much of the information about cost, where to get forms, interpreters, disability accommodation, and court procedures on new forms EA-300-INFO and EA-320-INFO is identical to the information offered on existing forms EA-100-INFO and EA-120-INFO. The committee recommends that the language about interpreters and disability accommodations on forms EA-300-INFO and EA-320-INFO be updated from the current language on the EA-100 series.

The proposed items regarding interpreters include a reference to forms where litigants may request an interpreter and a court website providing more information about interpreters, which has been translated into several languages

The committee also recommends broadening the language about disability, including reference to “disabilities” generally, as opposed to just hearing disabilities, and to also reference the information sheet about requesting court accommodations.

Identical language will be proposed in information sheets for the elder abuse 100-series restraining orders, as well as civil harassment, gun violence, private postsecondary school violence, and workplace violence restraining orders in when the committee recommends revisions to those forms in the near future.

Orders—priority of enforcement

Finally, the new order form in the proposal (form EA-330) contains a “Conflicting Orders—Priority of Enforcement” section that is included on all order forms for protective orders (e.g., CH-110, CH-130, EA-110). The committee recommends new language be used on form EA-330 to reflect current law and to provide greater clarity. This language was developed by several advisory committees that work together to ensure consistency on protective order forms where possible and appropriate. It is being recommended by the Family and Juvenile Law Advisory Committee for use on domestic restraining order forms, and has been agreed to by the Criminal Law Advisory Committee, which is expected to recommend its use on criminal protective order forms in the near future.

As circulated, the committee proposed additional language in the “Criminal Order” item from Penal Code section 136.2(e)(2), which prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration. In response to comments received on a proposal revising domestic violence restraining order forms to clarify and simplify the priority of enforcement language, the committee recommends the following modifications to the form:

- Spell out “Emergency Protective Order” instead of using “EPO.”
- Include an example of where to find a no-contact order.
- Substitute “Criminal Protective Order” for “Criminal Order.”

- Change the title of the last item to “Civil Restraining Orders” and provide examples of such orders.
- Modify the language throughout the section to better explain that all nonconflicting order terms must be enforced.
- Explain that the priority of enforcement is only applicable when “more than one restraining order has been *issued protecting the protected person from the restrained person,*” which has previously not been included on the forms in this proposal.

The committee expects to recommend identical language in the recommendations for the elder abuse 100-series restraining orders, as well as civil harassment, criminal, private postsecondary school violence, and workplace violence restraining orders, which it expects to bring to the council in the near future.

Revised EA-200 form series

The recommended adoption and approval of the new EA-300 series of elder abuse forms also requires minor revisions to existing elder abuse forms regarding service of documents. The proposed revisions to those forms are as follows:

- Revise items 1 and 2 on form EA-200 to refer to the “elder or dependent adult” and the “person from whom protection is sought or person preventing contact” so the form can be used with both the EA-100 form series and the EA-300 form series.
- Add the applicable EA-300 series forms to the revised forms where service of specific forms is discussed or listed.
- Expand the “Notice to Server” (item 3 on forms EA-200 and EA-250) to explain that the parties to a case requesting an order allowing contact cannot also be the “server.”
- Note on form EA-200-INFO that the instructions regarding CLETS do not apply to forms in the EA-300 series.

Policy implications

The new and revised forms in this proposal implement statutes that create a new cause of action to obtain a restraining order by or on behalf of an elder or dependent adult. Accordingly, the key policy implications are ensuring that council forms reflect the law correctly and are not misleading to parties. The proposed forms should assist courts and parties in navigating new and existing statutory provisions related to restraining orders for elders or dependent adults.

Comments

The proposal was circulated for public comment between April 6 and May 13, 2022, as part of the regular winter comment cycle. Comments were received from the Orange County Bar Association, the Superior Court of Los Angeles County, the Training and Analyst Group of the Superior Court of Orange County, the Superior Court of San Bernardino County, the Superior Court of San Diego County, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (TCPJAC/CEAC

Joint Rules Subcommittee).⁵ Most of the of the commenters indicated their support of the proposal or that the proposal appropriately addressed its stated purpose. All of the commenters offered suggestions; the significant suggestions are discussed below. A chart setting forth all the comments and the committee’s responses is attached at pages 40–62.⁶

Order of parties

As circulated for comment, forms EA-300 and EA-309 listed the person requesting the order first, followed by the “person preventing contact,” the “elder or dependent adults to receive contact,” and finally the “person who wants to have contact with the elder or dependent adults.” The Invitation to Comment also included a specific question about the appropriate order for listing parties on these forms EA-300 and EA-309. The comments provided mixed responses. The Orange County Bar Association and the Superior Court of Los Angeles believed the elder or dependent adult should be listed first. Similarly, the Superior Court of Los Angeles suggested that the order of parties on form EA-300 be: the elder or dependent adult; the respondent; the person requesting the order; the person seeking contact. Finally, the Superior Court of Orange County Training and Analyst Group, the Superior Court of San Bernardino, and the Superior Court of San Diego believed listing the person requesting the order first was appropriate.

Under section 15657.03(a) of Welfare & Institutions Code, only the elder or dependent adult has the right to seek a protective order allowing contact. Any other person empowered to seek such an order would be doing so on behalf of the elder or dependent adult, including a person who has been prevented from seeing the elder or dependent adult. Accordingly, in light of this statutory provision and the comments, the committee recommends listing the elders or dependent adults first on forms EA-300 and EA-309, followed by the respondent, then the person wanting contact with the elder or dependent adults, and finally the person requesting the order.

Request to provide less than five days’ notice

The invitation to comment also contained a question about item 12 on form EA-300, which allows the petitioner to request that service on respondent be given less than five days before the hearing. There was concern as to how the court would rule on such a request given that there is no temporary restraining order available for the order allowing contact. Most of the commenters suggested that item 12 on form EA-300 is fine as proposed and that the judge can decide on such a request on form EA-309 if an option for the court to order less than five days’ service is included on that form. The committee agrees with such a suggestion and the proposal has been modified accordingly.

⁵ A comment was also received from Open Arms and Loving Hands, but the comment only addressed details of a specific case and did not address any of the issues in the proposal.

⁶ As noted above, the proposal that was circulated included the EA-100 series, and the comment chart includes some comments on those forms. The committee has considered those comments and they will be addressed in the separate report on the EA-100 forms, after they have been recirculated.

Terminology

One commenter suggested that several terms included in the circulated version of the EA-300 series suggested implicit bias in favor of the petitioner. Accordingly, the committee recommends the following terms on the forms:

- “Elders or Dependent Adults” instead of “Elder or Dependent Adults to Receive Contact”
- “Person Alleged to be Preventing Contact” instead of “Person Preventing Contact”

While a commenter also suggested the word “excuse” on the response (form EA-320) implied bias, the committee retained the term because it is used in response forms across civil protective orders. The committee also retained “party” on the order on a request to continue the hearing (form EA-316), to also remain consistent with forms used in other types of protective orders, which use “party” because only a party may request a continuance (as opposed to other people that might be protected by the order who are not parties).

The committee also does not recommend the modification suggested by TCPJAC/CEAC Joint Rules Subcommittee to use “protective order” rather than “restraining order” in the title of the form 300-series because all of civil protective orders are referred to as “restraining orders” (e.g., “Civil Harassment Restraining Order,” “Domestic Violence Restraining Order,” etc.). Additionally, section 15657.03(b)(5)(E) provides that “an order may be issued . . . to *restrain* the respondent for the purpose of preventing a recurrence of isolation” (emphasis added).

Service of order after hearing

Some public comments were received on the Family and Juvenile Law Advisory Committee’s concurrent proposal on domestic violence forms, and internally from a member of the Rules Committee, concerning the issue of service of restraining orders after hearing when the respondent appears at the hearing remotely. This is outside the scope of the current proposal, but the committee will work with the Family and Juvenile Law Advisory Committee in the next rules cycle to address uncertainty in that area and will consider developing a rule of court.

Alternatives considered

Because AB 1243 provides for issuance of an order allowing contact with an elder or dependent adult under certain circumstances, which is not provided for on the council’s current mandatory elder abuse forms, and because the Welfare and Institutions Code requires the council to develop forms for elder abuse claims, the committee determined it must act and that taking no action would be inappropriate.

In addition to considering the alternatives raised in the comments, the committee considered the alternative of adding items related to the new orders allowing contact to the existing EA-100 form series rather than creating a new form series, but concluded that doing so would result in confusion and an overly complex set of forms. Not only will cases concerning an order to allow contact require the pleading of additional facts and potentially the identification of another party (the person wishing to contact the elder or dependent adult), but many of the items on the existing EA-100 forms series would not apply in such cases. Trying to capture the additional

information and explain that certain items do not apply to certain types of cases in a single set of forms proved difficult to explain and to understand.

Fiscal and Operational Impacts

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the new and revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks and judicial officers to process requests for orders to allow contact or findings related to specific debts.

Attachments and Links

1. Forms EA-200, EA-200-INFO, EA-250, EA-300, EA-300-INFO, EA-309, EA-315, EA-315-INFO, EA-316, EA-320, EA-320-INFO, EA-330, at pages 10–39
2. Chart of comments, at pages 40–62
3. Link A: AB 1243,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243

Clerk stamps date here when form is filed.

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8/12/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult

Name: _____

2 Person From Whom Protection Is Sought or Person Alleged to Be Preventing Contact

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1, 3, or 6 of form EA-100 or be listed in items 1, 2, 3, or 4 on form EA-300.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.



PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the forms checked below:

- a. EA-109, *Notice of Court Hearing*
- b. EA-110, *Temporary Restraining Order*
- c. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*
- d. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f. EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- g. EA-250, *Proof of Service of Response by Mail* (blank form)
- h. EA-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- i. EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- j. EA-309, *Notice of Court Hearing to Allow Contact*
- k. EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- l. EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*
- m. EA-330, *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing*
- n. Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2:

- a. On (date): _____ b. At (time): _____ a.m. p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

Case Number: _____

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

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 following types of restraining order forms must be served “in person”: *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), the *Notice of Court Hearing* (form EA-109), *Temporary Restraining Order* (form EA-110), *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300), and *Notice of Court Hearing to Allow Contact* (form EA-309). 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.

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Service lets the other person know:

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

7/21/2022**Not approved by
the Judicial Council****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 **complete**.



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* or form EA-309, *Notice of Court Hearing to Allow Contact* :

First, look at the hearing date on form EA-109 (item ③ on page 1) or form EA-309 (item ⑤ on page 2).

Next, look at the number of days in item ⑤ on page 2 of form EA-109 or in item ⑥ on page 2 of form EA-309.

Look at a calendar. Subtract the number of days in item ⑤ on form EA-109 or the number of days in item ⑥ on form EA-309 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 on form EA-109 or ⑥ on form EA-309, 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.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Ask the clerk to enter the *Proof of Service* (unless for form EA-300) 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.
- If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.
- Always keep an extra copy of the restraining orders with you for your safety.
- **Note: Restraining orders to allow contact (which use the EA-300 form series) are not entered into CLETS.**

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 to Continue Court Hearing and to Reissue Temporary Restraining Order* (or form EA-315, if you are trying to serve forms EA-300 or EA-309). 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 Issuance*, (or form EA-316) 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.

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7/21/2022
Not approved by the Judicial Council

1 Elder or Dependent Adult Seeking Protection

Full Name: _____

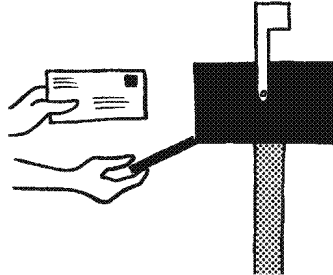
2 Person From Whom Protection Is Sought

Your Full Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items **1**, **3**, or **6** of form EA-100 or in items **1**, **2**, **3** or **4** on form EA-300.
- 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

Court fills in case number when form is filed.

Case Number:

4 PROOF OF SERVICE BY MAIL

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. Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- c. Other (specify): _____

5 I placed copies of the documents 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: _____ Telephone: _____
Address: _____
City: _____ State: _____ Zip: _____

(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: _____

Server to sign here

Type or print server's name

Use this form to obtain an order allowing contact between an elder or dependent adult and another person.

- Read *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO) before completing this form.
- **Note:** This order cannot be issued if the elder or dependent adult lives in a long-term care or residential facility or is a patient at a hospital.
- If you want a restraining order for other abuse, such as physical or financial abuse, use *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100). Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) for more information.

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8/3/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elders or Dependent Adults

(List each elder or dependent adult in the same household who wants to have contact with the person named in 3 and their age below.)

<u>Full Name</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____

- Check here if there are more elders or dependent adults in the same household who also want to have contact with the person named in 3. List those persons and their ages on an attached sheet of paper and write "Attachment 1—Additional Elders or Dependent Adults" for a title. You may use form MC-025, Attachment.

2 Person Alleged to Be Preventing Contact

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

- a. Full Name: _____
- b. Describe this person's preexisting relationship to the elders or dependent adults named in 1:
- _____
- _____
- _____

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3—Preexisting Relationship" for a title.

This is not a Court Order.



4 Person Requesting Order

Who is asking the court for an order? (Check a, b, c, or d):

- a. The elders or dependent adults named in ①.
- b. The person named in ③ who wants contact with the elders or dependent adults.
- c. Name: _____,
conservator of the person estate person and estate
named in ①, appointed by (name of court): _____

Case No.: _____

- d. Other person legally authorized to make this request (name): _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 4d—Information About Person Requesting Order" for a title. You may use form MC-025, Attachment.)

5 Contact Information

Contact information for the person asking the court for an order

- a. 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.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

6 Description of Elders or Dependent Adults

The person or persons named in ① are residents of California and (check a, b, or c):

- a. Are all age 65 or older.
- b. Are all under age 65 and have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 6b—Description of Elders or Dependent Adults" for a title.)
- c. Include some adults age 65 or older and some are adults under age 65. The adults under age 65 have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Identify which persons are 65 or older and identify and briefly describe the limitations of those under age 65 on the attached sheet of paper or form MC-025. Write "Attachment 6c—Description of Elders or Dependent Adults" for a title.)

This is not a Court Order.



7 Relationship to Person Alleged to be Preventing Contact

How do the elders or dependent adults know the person in ②? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7—Relationship to Respondent" for a title.

8 Facts Supporting Order Allowing Contact

The person requesting the order must show that:

- The elders or dependent adults expressly desire contact with the person named in ③;
- The person in ② has repeatedly prevented that contact;
- The prevention of contact was not in response to an actual or threatened abuse of the elders or dependent adults by the person named in ③; and
- The prevention of contact was not in response to the desire of the elders or dependent adults to not have contact with the person named in ③.

a. Describe the desire of the elders or dependent adults to have contact with the person named in ③ and attach any documentation demonstrating such desire:

Check here if documentation is attached or if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8a—Describe Desire to Contact" for a title.

b. (1) When has the person in ② prevented the person named in ③ from seeing the elders or dependent adults? (Provide dates or estimated dates):

(2) Describe how the person in ② has prevented the person named in ③ from seeing the elders or dependent adults.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b—Describe Prevention" for a title.

This is not a Court Order.



9 Venue

Why are you filing in this county? (Check all that apply):

- a. The person in ② lives in this county.
- b. The person in ② prevented the person in ③ from seeing the elders or dependent adults in this county.
- c. Other (specify): _____

10 Other Court Cases

a. Has the person in ② or the person in ③ been involved in another court case with the elders or dependent adults? No Yes (If yes, specify the kind of each case and indicate where and when each was filed):

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there any protective or restraining orders now in effect relating to the elders or dependent adults and the person in ② or the person in ③? No Yes (If yes, attach a copy if you have one.)

11 Order Allowing Contact

I ask the court to order the person in ② to allow the person in ③ to contact the elders or dependent adults, with the following terms:

- a. The person in ② may not prevent the person named in ③ from in-person or remote online or telephonic visits with the elders or dependent adults named in ①.
- b. Other terms requested for the order allowing contact (specify):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11b—Other Order Terms" for a title.

This is not a Court Order.



12 Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on the person in 2 at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be less than five days between service and the hearing, explain why:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

Three horizontal lines for providing an explanation.

13 Lawyer's Fees and Costs

I ask the court to order payment of my lawyer's fees court costs.

The amounts requested are:

Table with 4 columns: Item, Amount, Item, Amount. Includes dollar signs and blank lines for entry.

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 13—Lawyer's Fees and Costs" for a title.

14 Number of pages attached to this form, if any:

Date:

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

Signature of person making this request

Date:

Type or print your name

Signature of person making this request

This is not a Court Order.

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

What is a restraining order allowing contact?

If a person repeatedly prevents contact between a person 65 years or older (an elder) or a dependent adult and someone the elder or dependent adult wishes to have to contact with, the court may issue an order allowing contact.

When will the court grant a restraining order allowing contact?

The court will grant a restraining order allowing contact if:

- An elder or dependent adult has a preexisting relationship with and wants to have contact with a specific person;
- Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person the elder or dependent adult wishes to have contact with.

If you want a restraining order for other abuse, such as physical or financial abuse, read form [EA-100-INFO, Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?](#)

How will the order help me?

The court can order the person preventing contact to stop preventing the contact.

Who can apply for an elder or dependent adult restraining order allowing contact?

In addition to the elder or dependent adult, the following persons may apply for a restraining order allowing contact on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult;

- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney;
- A person appointed as a guardian ad litem for the elder or dependent adult;
- An individual with a preexisting relationship who the elder or dependent adult wishes to have contact with, but is being prevented from doing so; and
- Any other person legally authorized to seek such relief.

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 fee for the other party.

What forms do I need to get the order?

You must fill out all of form [EA-300, Request for Elder or Dependent Adult Restraining Order Allowing Contact](#). If you need attachments, you may use form [MC-025, Attachment](#). You must also fill out items 1 and 2 on form [EA-309, Notice of Court Hearing to Allow Contact](#).

Where can I get these forms?

You can get the forms from legal publishers or on the internet at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the prevention of contact took place or where the person preventing contact lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) 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.

How soon can I get the order?

Orders to stop preventing a person from seeing an elder or dependent adult can only be issued after a hearing. Accordingly, the date of the hearing is the earliest the order can be granted.

How long does the order last?

The length of the order is determined by the court and could last for up to five years.

How will the person preventing contact know about my request for an order?

Someone age 18 or older—not you or anybody else involved in the case—must “serve” (give) the person to be restrained a copy of the notice of hearing and other forms listed on that notice. 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 Is “Proof of Personal Service”?](#)

Do I have to go to court?

Yes. Go to court on the date the clerk gives you, which is found on form [EA-309, Notice of Court Hearing to Allow Contact](#).

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

Witnesses are not required, but it helps to have more proof of the isolation than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Letters, emails

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, Declaration](#), for this.)

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.

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.

Can the elder or dependent adult and the person preventing contact agree to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. The person who requested the order or the person preventing contact would have to file a request with the court to cancel the order.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

DRAFT

8/3/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elders or Dependent Adults

Full Name: _____
Full Name: _____
Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____
 Lawyer for person requesting order:
Name: _____
Firm Name: _____

b. Address for the person requesting order *(If you have a lawyer, give your lawyer's information. 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 email.)*

Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in 2:

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



6 Service of Documents by the Person in 4

At least five _____ days before the hearing, someone age 18 or older—**not you or anybody else involved in the case**—must personally give (serve) a court file-stamped copy of this form EA-309, *Notice of Court Hearing to Allow Contact*, to the person in 2 along with a copy of all the forms indicated below:

- a. EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (file-stamped)
- b. EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- c. EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*
- d. EA-250, *Proof of Service of Response by Mail* (blank form)

Date: _____

*Judicial Officer***To the Person in 4 :**

- The court cannot make the restraining order requested unless the person in 2 has been personally given (served) a copy of your request. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in 2 in time, you may ask for more time to serve the documents. Use form EA-315, *Request to Continue Court Hearing on Request to Allow Contact*.

To the Person in 2 :

- If you want to respond to the request for an order in writing, file form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*, and have someone age 18 or older—**not you or anybody else involved in the case**—mail it to the person in 4.
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.



Request for Accommodations

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 *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing to Allow Contact* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

**Request to Continue Court Hearing
on Request to Allow Contact**

Clerk stamps date here when form is filed.

DRAFT

8/3/2022

**NOT APPROVED BY THE
JUDICIAL COUNCIL**

Use this form to ask the court to reschedule the court date listed on form EA-309, *Notice of Court Hearing to Allow Contact*. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*, for more information.

1 Party Information

a. My name is: _____

b. I am the (*check one of the boxes below*):

(1) Elder or Dependent Adult (*skip to 2*).

(2) Person asking for the order to allow contact
(*name of elders or dependent adults*): _____

_____ (*skip to 2*).

(3) Person alleged to be preventing contact (*provide your information below*)

Address where I can receive mail:

(*This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.*)

Address: _____

City: _____ State: _____ Zip: _____

My contact information (*optional*):

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (*skip if you do not have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Information About My Case

a. The other party in this case is (*full name*): _____

b. I have a court date currently scheduled for (*date*): _____

This is not a Court Order.



Case Number: _____

3 Why Does the Court Date Need to Be Rescheduled?

- a. I need more time to have the person alleged to be preventing contact personally served.
- b. I am the person alleged to be preventing contact and this is my first request to reschedule the court date.
- c. Other reason: _____

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 name of

Lawyer Party Without Lawyer



Sign your name

This is not a Court Order.

1 You may need to ask for a new court date if:

- You are the person asking for the order and are unable to have *Notice of Court Hearing to Allow Contact* (form EA-309) and other papers served in time before your court date.
- You are the person said to be preventing contact and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule on a showing of good cause.)

2 What does form EA-315 do?

Use *Request to Continue Court Hearing on Request to Allow Contact* (form [EA-315](#)) to ask the court to reschedule your court date.

3 Follow these steps:

- Fill out all of form [EA-315](#).
- Fill out items **1**, **2**, **3**, and **4** on *Order on Request to Continue Hearing on Request to Allow Contact* (form [EA-316](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge grants your request, in item 5b of form EA-316, you will have a new court date. If the judge did NOT grant your request, you should go to court at the date, time, and location on form EA-309.
- Next, file both forms EA-315 and EA-316 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item **7** on form EA-316.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form [EA-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk's office before your court date.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. "Documents" may include exhibits and declarations, and the court may enter them into evidence at its discretion.
- If you are the person preventing contact and you do not go to the hearing, the court can still make an order against you that can last for up to five years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

Clerk stamps date here when form is filed.

DRAFT

8/3/2022

**Not approved by
the Judicial Council**

Complete items ①, ②, ③, and ④ only.

① **Elders or Dependent Adults:** _____

② **Party Alleged to Be Preventing Contact:**

③ **Person Who Wants Contact With the Elders or
Dependent Adults**

④ **Person Requesting Order**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

_____ **The court will complete the rest of this form.** _____

⑤ Next Court Date

a. The request to reschedule the court date is **denied**.

Your court date is: _____

Your court date is not rescheduled because: _____

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ⑥–⑨ for more information.

Name and address of court, if different from above:

**New
Court
Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

⑥ Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The party requesting the order has not served the party preventing contact.

(2) Other: _____

b. This is the first time that the party alleged to be preventing contact has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

This is a Court Order.



7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Party Requesting Order**

b. **Party Alleged to be Preventing Contact**

c. **Court**

(1) You do not have to serve the party alleged to be preventing contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party alleged to be preventing contact personally served with a copy of this order and a copy of all documents listed on form EA-309, item **6**, by (date): _____

(3) You must have the party alleged to be preventing contact served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

(1) You do not have to serve the party requesting contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party requesting contact personally served with a copy of this order by (date): _____

(3) You must have the party requesting contact served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by (date): _____

(3) Other: _____

This is a Court Order.



8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 Other Orders

Date: _____

Judicial Officer



Request for Accommodations

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.htm for *Disability Accommodation Request (form MC-410)*. (Civ. Code, § 54.8.)

—Clerk's Certificate—

Clerk’s Certificate

[seal]

I certify that this *Order on Request to Continue Hearing on Request to Allow Contact* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact

Clerk stamps date here when form is filed.

DRAFT

8/3/2022

Not approved by the Judicial Council

Use this form to respond to the Request (form EA-300)

- Read *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you or anybody else involved in the case**—serve the person or persons listed 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.)

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① Elders or Dependent Adults

Names: _____

② Person Alleged to Be Preventing Contact

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-309, item ⑤, here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

At the hearing, the court may make an order against you that last for up to five years.

③ Person Who Wants Contact With the Elders or Dependent Adults

Name: _____

④ Person Requesting Order

Name: _____

⑤ Order Allowing Contact

a. I agree to the order requested.

b. I do not agree to the order requested. (Specify why you disagree in items ⑦ and ⑧ on page 2.)

⑥ Denial

I did not do anything I was accused of in item ⑧ of form EA-300. (Skip to ⑧.)



9 **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>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 9—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 the order named in **4** that I pay their lawyer's fees and costs.

10 Number of pages attached to this form, if any: _____

Date: _____

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 a restraining order allowing contact?

It is a court order that prohibits you from preventing an elder or dependent adult from having contact with someone the elder or dependent wishes to have contact with.

Who can ask for a restraining order allowing contact?

If you are preventing an elder or dependent adult from having contact with a person that the elder or dependent adult wishes to have contact with, the following people can ask for a restraining order:

- The elder or dependent adult;
- The person that the elder or dependent adult is being prevented from seeing; *or*
- A conservator, attorney-in-fact, or person appointed as guardian ad litem for the elder or dependent adult.

I've been served with a request for elder or dependent adult restraining order allowing contact. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* (form EA-309) tells you when to appear in court.

What if I don't agree with what the request says?

If you disagree with the order the person is asking for, fill out form [EA-320, Response to Request for Elder and Dependent Adult Restraining Order Allowing Contact](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025, Attachment](#). You can get forms from legal publishers or on the internet at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

DRAFT**8/3/2022****Not approved by
the Judicial Council****Do I have to serve the other parties with a copy of my response?**

Yes. Have someone age 18 or older—**not you or anybody else involved in the case**—mail a copy of completed form EA-320 to the other parties in the case (or their lawyers). (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 a 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-309, *Notice of Court Hearing to Allow Contact*. If you do not go to the hearing, the judge can make an order against you without hearing from you.

How long does the order last?

The length of the order is determined by the court and 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 that person 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, Declaration](#), for this.



Can I agree with the elder or dependent adult to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the person who requested the order would have to file a request with the court to cancel the order.

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 can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

Clerk stamps date here when form is filed.

DRAFT

8/12/2022

Not approved by the Judicial Council

Person in ④ must complete items ①, ②, ③, and ④ only.

① Elders or Dependent Adults

Full Names: _____

② Person Preventing Contact

Full Name: _____

③ Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

④ Person Requesting Order

a. Full Name: _____

Lawyer for person requesting order (if any 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

⑤ Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: _____ a.m. p.m. midnight on (date): _____

If no expiration date is written here, this Order expires three years from the date of issuance.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The elders or dependent adults to receive contact
 - (2) The lawyer for the elders or dependent adults *(name)*: _____
 - (3) The person in ④ requesting the order
 - (4) The lawyer for the person in ④ requesting the order *(name)*: _____
 - (5) The person in ②
 - (6) The lawyer for the person in ② *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 6.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Person in ②:

The court has granted the orders checked 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.

7 Order Allowing Contact

- a. You may not prevent the person in ③ from in-person or remote online or telephonic visits with the elders or dependent adults in ①.
- b. Other terms of order allowing contact *(specify)*:

8 Other Orders *(specify)*:

Additional orders are attached at the end of this Order on Attachment 8.

This is a Court Order.



9 **Lawyer's Fees and Costs**

You must pay to the person who requested the order the following amounts for lawyer's fees costs:

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

Additional amounts are attached at the end of this Order on Attachment 9.

To the Person in 4 :

10 **Service of Order**

- a. The person in 2 personally attended the hearing. No other proof of service is needed.
- b. The person in 2 was not at the hearing. Someone—but not anyone in 1 or 4—must personally serve a copy of this Order on the person in 2.

11 **No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, they will do so for free.

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

Date: _____

Judicial Officer

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order or is shown a copy of the order. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Order

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 5 on page 1.

This is a Court Order.



Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was informed of the order by an officer.

If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

Conflicting Orders—Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

I certify that this *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
1.	Open Arms And Loving Hands by Nedra Jones Inglewood	AM	*[The comment addresses the details of a specific case and does not address any of the issues in the proposal and is not included in the comment chart.]	No response is required.
2.	Orange County Bar Association by Daniel S. Robinson President	AM	<p>This proposal contains four distinct recommendations for Judicial Council action: (1) the adoption and approval of a new series of forms to implement the legislative amendments in AB 1243 regarding a new cause of action for a restraining order allowing contact with an elder or dependent adult; (2) the revision of elder abuse forms regarding service of documents to accommodate the new series of forms in the first recommendation; (3) the revision of several elder abuse forms to implement the legislative amendments in AB 1243 regarding the new permissible findings that specific debts were incurred by financial abuse; and (4) revisions to existing elder abuse information sheets and orders to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders.</p> <p>Generally, the proposed new forms and revisions to existing forms would properly implement the changes required by AB 1243, though we recommend the following modifications:</p> <p>1. On form EA-300, list the name of the elder (or dependent adult) first. (See reasons at the response to Question 2, below).</p>	<p>The committee appreciates the information provided.</p> <hr/> <p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-300.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>2. On form EA-309, list the name of the elder (or dependent adult) first. (See reasons at the response to Question 4, below).</p>	<p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-309.</p>
			<p>Question 1. Does the proposal appropriately address the stated purpose?</p> <p>Response to Question 1: Yes.</p>	<p>The committee appreciates the information provided.</p>
			<p>Question 2. Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first?</p> <p>Response to Question 2: The elder (or dependent adult) should be listed first. The interests of the elder (or dependent adult) should be considered first and listing the elder (or dependent adult) first will promote that consideration. The E-filing clerk, at least in Orange County, upon case initiation, in processing the filed pleadings/forms, typically lists the name of the elder (or dependent adult), followed by the case category (“elder abuse”). Subordinating the elder’s name down the form could cause the Court and parties to detract from the fundamental principle that the elder (or dependent adult) comes first. Having the elder’s name at the top of the form should, at the least, reduce the chances of mistakes by the clerk upon case initiation as cases are identified by the elder’s name.</p>	<p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-300.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Question 3. Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days’ notice for future consideration?</p> <p>Response to Question 3: Item 12 is appropriate as written.</p>	<p>In light of this and other comments, Item 12 on form EA-300 has been retained.</p>
			<p>Question 4. Is the organization of Item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first?</p> <p>Response to Question 4: For the same reasons the elder (or dependent adult) should be listed first on the Request form (EA-300) [see Response to Question 2, above], the elder (or dependent adult) should be listed first on the Notice of Hearing (EA-309).</p>	<p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-309.</p>
			<p>Question 5. Given the concerns about when a court would rule on a request to shorten time, is it appropriate that item 4 on form EA-309 states that service must be performed at least five days before the hearing?</p>	<p>In light of this and other comments received, an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			Response to Question 5. Yes. That is appropriate because it is the general rule. It would also be appropriate to add this phrase at the start (prior to “At least five days before the hearing...”): “Subject to a Court’s Order shortening the amount of time between service and the hearing date....”	
3.	Superior Court of Los Angeles County by Bryan Borys	A	<p>Regarding SPR22-21: Elder abuse forms</p> <p>Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first?</p> <p>On EA-300, recommend order to mimic the logic of the EA-100, ie.</p> <p>#1 elder or dependent adult to receive contact #2 person preventing contact #3 person requesting order #4 person who wants to have contact with the elder or dependent adult.</p> <p>Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days’ notice for future consideration?</p>	<p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-300. However, the form includes the person wanting contact with the elder or dependent adult as item 3 and the person requesting the order as item 4 because the person requesting the order may be the person wanting contact.</p> <p>In light of this and other comments received, item 12 on form EA-300 has been retained and an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Clarification is needed: Is it possible to serve the EA-309 with a shortened setting date if item #12 allowing less than 5 days’ notice is requested. This process works if we can use the same form and just set on shortened notice for service.</p>	
			<p>Is the organization of item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first? Yes, elder should be listed first.</p>	<p>In light of this and other comments received, the name of the elder or dependent adult is listed first on form EA-309.</p>
			<p>Given the concerns about when a court would rule on a request to shorten time, it is appropriate that item 4 on form EA-309 states that service must be performed at least five days before the hearing? Could add that, unless otherwise ordered on #4, specifying 5-day notice before the hearing date; or add a specific checkbox here if hearing is set on shortened notice to specify the notice order.</p>	<p>In light of this and other comments received, an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.</p>
4.	Superior Court of Orange County by Sean E. Lillywhite Training & Analyst Group	NI	<p>The forms as proposed contain some issues or inconsistencies as noted below. (Please note that additional comments regarding the EA-300 and EA-309 are detailed in the section addressing the Request for Specific Comments):</p> <p>EA-300 series - The parties are referred to as “The Elder or Dependent Adult to Receive Contact” and the “Person Preventing Contact.” These titles suggest implicit bias on the part of the court. I think they should be changed to “The Elder or Dependent Adult Requesting Contact” and the</p>	<p>The committee appreciates the information provided.</p> <p>In light of this comment, the EA-300 form series refers to “Elder or Dependent Adults” as opposed to “Elder or Dependent Adults to Receive Contact” and refers to the “person alleged to be preventing contact” instead of “person preventing contact.” However, “person preventing contact” is</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>“Respondent” or “Responding Party.” If necessary, an explanation could be given within the forms to define the “Responding Party” as the one accused of preventing contact. The original terminology chosen presumes that the responding party is already guilty of preventing contact, and also that the Court will rule in favor of contact being allowed to the Elder or Dependent Adult when technically, the case could result in the Court finding that the actions of the Responding Party were in the best interest of the Elder or Dependent Adult, and that they were acting in their best interest as the person’s conservator or legal representative.</p>	<p>used on the order form (EA-330) because if the order is being issued the court will have found the person to be preventing contact. The committee did not use “Respondent” or “Responding Party” because the terms are not plain language and may confuse litigants.</p>
			<p>EA-120 - #13 is titled “Justification or Excuse.” This wording seems to carry bias in favor of the petitioner. The word “excuse” carries a negative moral implication as seen in the common phrase “Don’t make excuses.” I recommend that the item be changed to “Justification” or “Justification or Explanation.”</p>	<p>The committee declines this suggestion to the extent it applies to proposed form EA-320 because “excuse” is widely used across the form sets, and such a revision is outside the scope of this proposal. To the extent this suggestion applies to form EA-120, the committee will consider it in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>EA-200, Page 1 – The first paragraph is confusing and could lead filing parties to conclude that an EA-300 is supposed to be filed with an EA-200. I recommend changing the paragraph as follows: <i>Many restraining order forms cannot be served by mail. 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.</i></p>	<p>In light of this comment, the first paragraph of EA-200-INFO was rewritten to list the types of restraining order forms that cannot be served by mail following a colon.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p><i>This form is about personal or “in-person service.” The following types of restraining order forms cannot be served by mail: Request for Elder or Dependent Adult Abuse Restraining Orders (form EA-100), the Notice of Court Hearing (form EA-109), Temporary Restraining Order (form EA-110), Request for Elder or Dependent Adult Restraining Order Allowing Contact (form EA-300) and Notice of Court Hearing to Allow Contact (form EA-309) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained.</i></p>	
			<p>EA-300, Page 1 – The introduction at the top of the page needs an extra bullet clarifying that it is not to be used if a restraining order for abuse is also being requested against the Responding Party. The following language could be pulled from the EA-300 INFO and inserted as follows: <i>If you want a restraining order for other abuse, such as physical or financial abuse, read form EA-100- INFO, Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?</i></p>	<p>In light of this comment, an additional bullet directing litigants to the EA-100 series was added to the top of form EA-300.</p>
			<p>EA-320, Page 2 – #5 is titled “Justification or Excuse.” This wording seems to carry bias in favor of the petitioner. The word “excuse” carries a negative moral implication as seen in the common phrase “Don’t make excuses.” I recommend that the item be changed to “Justification” or “Justification or Explanation.”</p>	<p>The committee declines this suggestion as “excuse” is widely used across the form sets, and such a revision is outside the scope of this proposal.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Impact <i>Training Requirement(s):</i> These changes will necessitate approximately 1 hour of training for all probate court clerks and 1 hour of training for all case processing staff. Training will be needed specifically to address the processing of the new EA-300 series of forms in the clerk’s office and in the courtroom. I would expect the training team to utilize a full 40 - 80 hours of time (possibly 2 weeks total) to write new procedures, implement new Voyager docket codes, prepare the training materials and resources, conduct the training and any follow-up, etc.</p> <p><i>Affected Third Parties:</i> In addition to courtroom operations and case processing, the judicial officers, self-help, the Domestic Violence Assistance Program and the Protective Order Unit will all be impacted. Coordination will be required with each stakeholder to seamlessly implement the new forms.</p> <p>-Judicial Officers – Input will be needed from the judicial officers regarding preferences for calendar preparation. Extra steps are entailed in this area for the restraining order calendars, and we will need to check if this will also be needed for new EA-300 series.</p> <p>Self-Help – Self-Help provides restraining order packets and information to parties upon request. They will need to be prepared with the new EA-300 series of forms.</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Domestic Violence Assistance Program (DVAP) – Currently, this program transmits EA restraining order requests to our court electronically when parties file at LJC (Family/Juvenile courthouse). We will need to determine whether this will also be done with the new series of EA- 300 forms.</p> <p>Protective Order Unit (POU) – The new EA-300 forms are unique in that they do not get transmitted to CLETS. The POU will need to be instructed <i>not</i> to process EA-300 forms if any are inadvertently sent to them.</p> <p><i>Filing Types/Docket Codes:</i> New Filing Types will need to be created in the case management system for each of the EA-300 forms (excluding the ones titled INFO). A new event type will be needed for the hearing on the EA-300 request. New Minute Order Capture (MOCS) codes will also need to be created for rulings on the EA-300 requests.</p> <p><i>Affected Procedures:</i> Minor revisions will need to be made to the current courtroom and case processing procedures for Elder Abuse, to address the changes to the EA-100 series adding the terms <i>gender</i> and <i>non-binary</i> to the forms and also for the new section addressing any debts incurred as a result of financial abuse. New case processing and courtroom procedures will also need to be created to address the EA-300 series of forms.</p> <p>Other</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p>Request for Specific Comments 1. Does the proposal appropriately address the stated purpose? <i>Response: Yes</i></p>	<p>The committee appreciates the information provided.</p>
			<p>2. Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first? <i>Response: I think it is appropriate and will not cause confusion.</i></p>	<p>In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-300.</p>
			<p>3. Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days' notice for future consideration? <i>Response: I think that Item 12 should be revised to reference the EA-309, Notice of Court Hearing to Allow Contact, and indicate that the judicial officer will designate time for service in #4 of that form. Even though TRO hearings are not held for an EA-300 case, the series of forms still presumes that the Court will issue the EA-309 (it requires a judicial signature). The EA-309 should be revised to include a checkbox in number 4, indicating whether the judicial officer</i></p>	<p>In light of this and other comments received, item 12 on form EA-300 has been retained and an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309. The committee declines to add an instruction to form EA-300 referencing form EA-309, as form EA-200-INFO already references form EA-309 to determine the date in which service must be completed.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	DRAFT Committee Response
			<p><i>allows the documents to be served in less than 5 days. This way, when petitioners file their EA-300, case processing staff will return a conformed copy along with an executed EA-309 designating the hearing date and required days for service in Item 4.</i></p>	
			<p>4. Is the organization of item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first? <i>Response: I think it is appropriate.</i></p>	<p>In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-309.</p>
			<p>5. Given the concerns about when a court would rule on a request to shorten time, it is appropriate that item 4 on form EA-309 states that service must be performed at least five days before the hearing? <i>Response: Please see my remarks in item 3 above. I think this form should be revised to include an additional checkbox where the judicial officer can designate a time for shortened notice. This form should be issued to petitioners with a conformed copy of the EA-300 at the time of case initiation.</i></p>	<p>In light of this and other comments received, item 12 on form EA-300 has been retained and an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.</p>
			<p>6. Would the proposal provide cost savings? If so, please quantify. <i>Response: I don't think the proposal will provide cost saving.</i></p>	<p>The committee appreciates the information provided.</p>
			<p>7. What are the implementation requirements for courts? For example, training staff (please identify</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.</p> <p>Response: Training Requirement(s): These changes will necessitate approximately 1 hour of training for all probate court clerks and 1 hour of training for all case processing staff. Training will be needed specifically to address the processing of the new EA-300 series of forms in the clerk’s office and in the courtroom. I would expect the training team to utilize a full 40 - 80 hours of time (possibly 2 weeks total) to write new procedures, implement new Voyager docket codes, prepare the training materials and resources, conduct the training and any follow-up, etc.</p> <p>-Filing Types/Docket Codes: New Filing Types will need to be created for each of the EA-300 forms (excluding the ones titled INFO). A new event type will be needed for the hearing on the EA-300 request. New MOCS codes will also need to be created for rulings on the EA-300 requests.</p> <p>-Affected Procedures: Minor revisions will need to be made to the current courtroom and case processing procedures for Elder Abuse, to address the changes to the EA-100 series adding the terms <i>gender</i> and <i>non-binary</i> to the forms and also for the new section addressing any debts incurred as a result of financial abuse. New case processing and</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>courtroom procedures will also need to be created to address the EA-300 series of forms.</p> <p>8. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <i>Response: Yes</i></p> <p>9. How well would this proposal work in courts of different sizes? <i>Response: I think courts of different sizes should be able to implement this proposal with relative ease. The changes to the existing EA-100 forms are very minor and the implementation of the EA-300 series should mirror processes already in place for the EA-100 series.</i></p>	<p>The committee appreciates the information provided.</p>
5.	Superior Court of San Bernardino County	NI	<p>SPR22-21 – Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1243 Summary: The Civil and Small Claims Advisory Committee recommends the adoption, approval, and revision of 18 forms to implement statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273) and to make other necessary changes to accurately reflect current law. AB 1243 make two substantial changes to the laws governing protective orders for elder or dependent adults. First, it creates a new cause of action whereby an order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. Second, the bill allows courts to</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>issue findings related to specific debts incurred as the result of financial abuse of an elder or dependent adult. The proposal incorporates these new provisions into the council’s elder abuse forms and makes other minor updates to those forms.</p> <p>Request for Specific Comments in addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <p>Does the proposal appropriately address the stated purpose? Yes</p>	
			<p>Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first? It think its fine</p>	<p>In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-300.</p>
			<p>Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days’ notice for future consideration? It seems like this would need judicial approval if there was a temporary order. Since there is not, I think this</p>	<p>In light of this and other comments received, item 12 on form EA-300 has been retained.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			number is fine and it would be up to the judicial officer at the hearing to determine if notice was given appropriately.	
			Is the organization of item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first? I think it is fine	In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-309.
			Given the concerns about when a court would rule on a request to shorten time, it is appropriate that item 4 on form EA-309 states that service must be performed at least five days before the hearing? Add a line that says unless request to short time was granted or something like that.	In light of this and other comments received, item 12 on form EA-300 has been retained and an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.
			<p>The advisory committee [or other proponent] also seeks comments from courts on the following cost and implementation matters: Would the proposal provide cost savings? If so, please quantify. No What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? New procedures, training, update case management system</p>	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes How well would this proposal work in courts of different sizes?	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	Does the proposal appropriately address the stated purpose? Yes.	The committee appreciates the information provided.
			Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first? Yes. The proposed organization is appropriate.	In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-300.
			Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days' notice for future consideration? An alternative process for petitioners to request an order shortening time for service, and for courts to rule on such requests prior	In light of other comments received, item 12 on form EA-300 has been retained. The committee declines to create an alternative process to request an order shortening time for service as the request on form EA-300 and the court response on EA-309 are sufficient.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>to the hearing on the petition, would be preferred.</p>	
			<p>Is the organization of item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first? Yes. The proposed organization is appropriate.</p>	<p>In light of other comments received and because Welfare and Institutions Code, section 15657.03(a) only permits petitions to be brought on behalf of an elder or dependent adult, the committee concluded it is appropriate to list the elder or dependent adult first on form EA-309.</p>
			<p>Given the concerns about when a court would rule on a request to shorten time, is it appropriate that item 4 on form EA-309 state that service must be performed at least five days before the hearing? If item 12 on EA-300 remains, it is proposed that item 4 on EA-309 provide an option for the court to shorten time for service similar to item 5 on form EA-109.</p>	<p>In light of this and other comments received, an option for the court to specify a different amount of days prior to the hearing for service to be completed has been added to form EA-309.</p>
			<p>Would the proposal provide cost savings? If so, please quantify. No. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>Updating/creating internal procedures, updating/creating new local packets, and training staff. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to provide training to staff, modify local packets, obtain printed stock, and create new internal procedures for EA-300. How well would this proposal work in courts of different sizes? It appears that the proposal would work for courts of all sizes.</p>	
			<p>OTHER COMMENTS: EA-110: Item 8 No Guns or Other Firearms and Ammunition: 8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>8c: Propose that “ammunition” be added.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>Warnings and Notices to Restrained Person in 2 (Page 5): o Possession of Guns or Firearms: Propose changing to “Possession of Guns or Other Firearms and Ammunition” to be consistent with item 8.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>EA-120: Item 8 No Guns or Other Firearms and Ammunition: 8c: Propose that “ammunition” be added.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>EA-120-INFO: What if I have a gun?: Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>EA-130: Item 10 No Guns or Other Firearms and Ammunition: 10b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>10c: Propose that “ammunition” be added.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>Warnings and Notices to Restrained Person in 2 (Page 6): You Cannot Have Guns or Firearms: Propose changing to “You Cannot Have Guns or Other Firearms and Ammunition” to be consistent with item 10.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>Propose adding “ammunition” to the [third] sentence.</p>	<p>The committee will consider this suggestion in the separate forthcoming proposal revising forms in the EA-100 series.</p>
			<p>EA-316: Item 1 Party Requesting Order to Allow Contact: Propose changing to “Person Requesting Order” to be consistent with other EA-300 series forms.</p>	<p>The committee declines this suggestion to maintain consistency with other forms. The order forms granting a continuance of a hearing on a civil restraining order use “party” because only a party may request a continuance.</p>
			<p>Item 2 Party Preventing Contact: Propose changing to “Person Preventing Contact” to be consistent with other EA-300 series forms.</p>	<p>The committee declines this suggestion to maintain consistency with other forms. The order forms granting a continuance of a hearing on a civil restraining order use “party” because only a party may request a continuance.</p>
			<p>Item 4 Reasons Court Date is Rescheduled: o 4a(2): Propose replacing references to “party” with “person” to be consistent with other EA-300 series forms.</p>	<p>The committee declines this suggestion to maintain consistency with other forms. The order forms granting a continuance of a hearing on a civil restraining order use “party” because only a party may request a continuance.</p>
			<p>4b: Propose replacing references to “party” with “person” to be consistent with other EA-300 series forms.</p>	<p>The committee declines this suggestion to maintain consistency with other forms. The order forms granting a continuance of a hearing on a civil restraining order use “party” because only a party may request a continuance.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>Item 5 Serving (Giving) Order to Other Party: Propose replacing all references to “party” with “persons” to be consistent with other EA-300 series forms.</p>	<p>The committee declines this suggestion to maintain consistency with other forms. The order forms granting a continuance of a hearing on a civil restraining order use “party” because only a party may request a continuance.</p>
7.	<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee</p>	NI	<p>JRS Position: Agree with proposed changes if modified.</p> <p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Significant fiscal impact. <ul style="list-style-type: none"> ○ Normally, there is no cost to serve a restraining order. Assuming that “Elder or Dependent Adult Order Allowing Contact” is treated like other restraining orders, there will be no cost to the petitioner. • Impact on existing automated systems. <ul style="list-style-type: none"> ○ Changes would have to be made to all court case management systems to create a new case category for the new cause of action of “Elder or dependent adult order allowing contact”. New parties would have to be added that are created by the 	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>cause of action such as the elder or dependent adult party “receiving contact” and the interested party wanting contact with the elder or dependent adult.</p> <ul style="list-style-type: none"> • Results in additional training, which requires the commitment of staff time and court resources. <ul style="list-style-type: none"> ○ There would be a need for a moderate level of training for all court legal processing staff, family law facilitators and probate/guardianship investigators • Impact on local or statewide justice partners <ul style="list-style-type: none"> ○ There would be minimal impact on County Counsel offices who provide representation in guardianship cases. <p>Suggested modification(s):</p> <p>The EA – 300 form series uses the term “Elder or Dependent Adult Restraining Order Allowing Contact” in the title of the forms. Recommend that the EA-300 form series use the term “Protective Order Allowing Elder or Dependent Adult Contact” instead of “Elder or Dependent Adult Restraining Order Allowing Contact”. AB 1243</p>	<p>The committee declines this suggestion as all civil protective orders are referred to as “restraining orders” (e.g., “Civil Harassment Restraining Order,” “Domestic Violence Restraining Order,” etc.). Additionally, Welfare and Institutions Code, section 15657.03(b)(5)(E) (the relevant section discussing the new cause of action) provides that “an order may be issued . . . to <i>restrain</i> the</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-200, EA-200-INFO, and EA-250)

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	Commenter	Position	Comment	DRAFT Committee Response
			<p>created a new type of protective order with unique findings. The “Allowing Contact” protective order is so distinct from normal restraining orders that the summary states it is not to be entered into CLETS and would probably not be entered into CCPOR. Using the term “Restraining Order” in the EA-300 form series may cause confusion among court staff and parties seeking to use the protective order. Using the term “Protective Order” is a more accurate description of the new cause of action created by AB 1243. The language of WIC Section 15657.03 as amended by AB 1243 uses the term “Protective Order” as the general defining term for the orders authorized under WIC Section 15657.03.</p>	<p>respondent for the purpose of preventing a recurrence of isolation.” (emphasis added)</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.