



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-071*

For business meeting on March 12, 2021

---

<b>Title</b>	<b>Agenda Item Type</b>
Rules and Forms: Technical Change to Elder Abuse Form	Action Required
<b>Rules, Forms, Standards, or Statutes Affected</b>	<b>Effective Date</b>
Revise form EA-120	March 15, 2021
<b>Recommended by</b>	<b>Date of Report</b>
Judicial Council staff Anne M. Ronan, Supervising Attorney Legal Services	February 4, 2021
	<b>Contact</b>
	Anne M. Ronan, 415-865-8933 <a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

---

### Executive Summary

Judicial Council staff have identified an erroneous cross-reference in a recently revised Elder Abuse form that should be revised to avoid confusion for parties and judicial officers.

### Recommendation

Judicial Council staff recommend that the Judicial Council, effective March 15, 2021, revise *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120) to correct the cross-reference in item 11.

The revised form is attached at page 3.

### Relevant Previous Council Action

The Judicial Council recently revised form EA-120 and *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100) to implement legislative changes in elder abuse law. This proposal recommends only a minor correction unrelated to the prior substantive revision.

## **Analysis/Rationale**

The revision to form EA-120 is a correction to a cross-reference in item 11, so that it now refers to item 8 in *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100). Items in form EA-100 were recently renumbered.

## **Policy implications**

There are no policy implications to this proposal.

## **Comments**

This proposal was not circulated for public comment because the changes are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

## **Alternatives considered**

None.

## **Fiscal and Operational Impacts**

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of the form. Because the proposed revision is a technical correction to a form completed by the parties, case management systems are unlikely to need updating to implement it.

## **Attachments and Links**

1. Form EA-120 at pages 3-6.

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

Clerk stamps date here when form is filed.

**DRAFT**

**01.14.21**

**Not approved by JC**

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

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

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 Seeking Protection**

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

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

**② Person From Whom Protection Is Sought**

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

Your Lawyer (if you have one for this case)

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

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

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

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

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

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

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

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

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

**③  Personal Conduct Orders**

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

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

**④  Stay-Away Orders**

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

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



**5**  **Move-Out Orders**

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

---



---

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

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

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

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

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

---



---

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

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

- a.  I do not own or control any guns, firearms, magazines or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*

*Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.*

---



---

- c.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt  is attached.  has already been filed with the court.



**9**  **Possession and Protection of Animals**

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

---



---

**10**  **Other Orders**

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

---



---

**11**  **Denial**

I did not do anything described in item 8 of form EA-100. (*Skip to 13.*)

**12**  **Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (*explain*):

*Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 12–Justification or Excuse" as a title. You may use form MC-025, Attachment.*

---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---



---

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

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

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

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

**14**  **Lawyer's Fees and Costs**

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

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

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

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

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

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

\_\_\_\_\_  
*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*