JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-195
For business meeting on December 2, 2022

Title
Protective Orders: Elder Abuse Form Updates to Implement Legislation

Rules, Forms, Standards, or Statutes Affected
Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, and EA-800-INFO

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

Agenda Item Type
Action Required

Effective Date
January 1, 2023

Date of Report
November 2, 2022

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Executive Summary

The Civil and Small Claims Advisory Committee recommends revisions of nine forms to implement statutory changes in Assembly Bill 1243 and Assembly Bill 1621. AB 1243 allows courts to issue findings related to specific debts incurred as the result of financial abuse of an elder or dependent adult. AB 1621 prohibits persons restrained under elder or dependent adult abuse restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory 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 revise the following forms, effective January 1, 2023:

- *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100);
- *Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO)

- *Notice of Court Hearing* (form EA-109);
- *Temporary Restraining Order* (form EA-110);
- *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120);
- *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO);
- *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130);
- *Proof of Firearms Turned In, Sold, or Stored* (form EA-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form EA-800), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

The proposed revised forms are attached at pages 9–46.

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 in this series have been revised previously when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. Most recently, in September 2022, the Judicial Council adopted, approved, and revised 12 forms, effective January 1, 2023, to implement other statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273),[1] which 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. Because that new cause of action does not implicate firearms, those forms are not included in this proposal.

Also in September 2022, the Judicial Council revised domestic violence and gun violence restraining order forms, effective January 1, 2023, to implement the firearm provisions of Assembly Bill 1621 (Stats. 2022, ch. 76),[2] the provisions of which are being addressed here in the elder abuse forms.

Analysis/Rationale

The Legislature recently enacted two bills that significantly amended the statutory provisions governing elder or dependent adult abuse restraining orders.

As relevant to this proposal, AB 1243 allows courts, after notice and a hearing, to issue findings that specific debts were incurred as the result of financial abuse of an elder or dependent adult. (See Welf. & Inst. Code, § 15657.03(b)(5)(D).) Although the findings do not entitle the

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

[2] AB 1621 is available at *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1621*.

petitioner to any remedies other than the findings, such findings may prove useful in other litigation related to the debts.

In addition, effective June 30, 2022, for the purposes of elder or dependent adult abuse restraining orders (among others), AB 1621 adds a definition of "firearm" that includes "a completed frame or receiver, or a firearm precursor part." (Pen. Code, § 16520.) The term "firearm precursor part" is defined in Penal Code section 16531(a) to include any item that "may readily be . . . converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm." The statutory amendment is intended to include "ghost guns" (unserialized and untraceable firearms that can be bought in pieces online and assembled at home) in the items that restrained people cannot possess and must surrender.[3] This means that a restrained person may not have these parts or homemade firearms for the duration of the order.

While making the revisions implementing AB 1243 and AB 1621, the committee recommends revising existing elder abuse information sheets and orders at the same time to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders.

Revisions to implement AB 1243

To implement the provisions of AB 1243 related to the new debt findings that a court can issue in elder or dependent adult abuse restraining orders, the committee recommends the following revisions:

- Add new item 18 to *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), where petitioner may list the specific debts that were incurred from financial abuse and describe the circumstances that led to the debts.

- Include information in *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) about the potential new findings and why they may be helpful.

- Add new item 9 to *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120), allowing respondent to agree or not agree with the requested findings and explain why.

- Add new item 13 to *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130), allowing the court to include relevant findings in an elder or dependent adult restraining order.

[3] See, e.g., Assem. Com. On Public Safety, Rep. on Assem. Bill No. 1621 (2021–2022 Reg. Sess.) as amended Mar. 24, 2022, pp. 5–7.

Revisions to implement AB 1621

Petition, response, and corresponding information sheets

Both the restraining order petition (form EA-100) and response (form EA-120) contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to "firearm parts" and explains that the firearms and firearm parts include "firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)."

Those forms' information sheets (forms EA-100-INFO and EA-120-INFO) include similar additions explaining that the restraining order can prevent the person subject to the restraining order from having firearms (guns), firearm parts, and ammunition, with the same reference to "firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)." In addition, the information sheets include two new links. The first directs the reader to a dedicated Self-Help Guide to the California Courts webpage that provides additional information about the prohibited items a person restrained under most California restraining orders is not allowed to have. The second links to information about the elder or dependent adult restraining order process and provides step-by-step instructions on obtaining such an order.

Orders

This proposal also revises the elder or dependent adult temporary restraining order (form EA-110) and order after hearing (form EA-130) to separately list and define the prohibited items, including firearm parts with a similar plain-language explanation of the term as is included in the petition and response.[4] Where possible, other sections of the forms refer to the new list of defined prohibited items rather than enumerating all the prohibited items each time.[5]

Notice of court hearing

The notice of hearing form (form EA-109) contains a warning to respondents that if the court issues a restraining order, respondents will be required to turn in their firearms. This proposal expands that warning to include firearm parts.

Forms regarding relinquishment of prohibited items

Because most of the civil protective orders require the restrained person to relinquish their firearms and to file a proof with the court verifying that they have done so, the council has

[4] When this proposal was circulated for comment in September and October of 2022, the proposed order forms, and other proposed forms, included information about relinquishing all prohibited items, as is required for gun violence restraining orders. The committee realized, however, that although a person restrained under an elder or dependent adult abuse restraining order is prohibited from *possessing* or *obtaining* firearms (now including firearm parts) and ammunition, the restrained person is required to *relinquish* only firearms and firearm parts (not ammunition). (Welf. & Inst. Code, § 15657.03(u).) The committee no longer recommends adding ammunition to the items that must be *relinquished*.

[5] In response to a comment received on the proposal, the proposed order forms also contain revisions to item 2, the item identifying and describing the restrained person, to indicate which fields are *required* for the order to be entered into the California Law Enforcement Telecommunications System.

adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, advisory committees recommended new titles and significant reformatting, which the council approved in September for forms in those series. This proposal includes similar revisions to form EA-800, proposed to be retitled as *Receipt for Firearms and Firearm Parts,*[6] and form EA-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Such parallel revisions also include adding a check box to form EA-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Spaces in which to note whether each listed item has been "Sold," has been "Stored," or is "To be destroyed" have also been added to form EA-800. In addition, form EA-800-INFO now explains that firearms may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

Other revisions[7]

Interpreter and disability accommodation

The committee also recommends updating the language about interpreters and disability accommodations on forms EA-100-INFO and EA-120-INFO.

The proposed revisions regarding interpreters remove two incorrect statements: that anyone over age 18 and not involved in the case may serve as an interpreter and that parties may have to pay a fee for a court interpreter. The committee instead recommends that the information regarding interpreters on those forms include a reference to forms where litigants may request an interpreter and a link to the Self-Help Guide to the California Courts, a website that provides more information about interpreters and has been translated into several languages.

The committee also recommends broadening the language about disability and correcting the name of the *Disability Accommodation Request* (form MC-410) on the forms. The committee proposes that the language on forms EA-100-INFO and EA-120-INFO include reference to "a disability," as opposed to just hearing disabilities, and that the forms reference the information sheet about requesting court accommodations.

The committee is recommending to the council similar changes in information sheets for civil harassment, school violence, and workplace violence restraining orders in a separate proposal.

Order forms—priority of enforcement

Finally, this proposal recommends updating the description of priorities of enforcement set out at the end of each of the order forms (forms EA-110 and EA-130), in the Instructions to Law

[6] Form EA-800 is listed on *Proof of Personal Service* (form EA-200) as one of the forms that may have been served. Should this proposal be approved, the title of the form will be revised on form EA-200 as well.

[7] In addition to the revisions described elsewhere, the committee is recommending that any items that collect identifying information about the restrained party or otherwise refer to "sex" be revised to refer instead to "gender" and provide a "nonbinary" option.

Enforcement section. These revisions are needed to reflect current law and to provide greater clarity. The primary change that the committee recommends is additional language in the section regarding criminal protective orders, which notes that Penal Code section 136.2(e)(2) prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration. In addition, in response to comments received on a parallel proposal revising domestic violence restraining order forms, the committee recommends the following modifications to the forms to clarify and simplify the priority-of-enforcement language:

- Spell out "Emergency Protective Order" instead of using "EPO."
- Include an example of where to find a no-contact order.
- Use "Criminal Protective Order" instead of "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 applicable only when "more than one restraining order has been issued *protecting the protected person from the restrained person*." (The italicized language had not been included on the forms previously.)

Identical language is also being recommended by this advisory committee and the Criminal Law Advisory Committee on forms for civil harassment, criminal, private postsecondary school violence, and workplace violence protective orders in separate proposals.

Policy implications

The revised forms in this proposal reflect new and amended statutes that authorize additional findings when certain circumstances are present in elder or dependent adult abuse restraining orders and prohibit restrained individuals from possessing or obtaining firearm parts. Accordingly, the key policy implications of the council's actions 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

Most of the forms in this proposal circulated for public comment twice. Six of the forms first circulated between April 6 and May 13, 2022, as part of the regular 2022 spring comment cycle, with other elder or dependent adult abuse restraining order forms that the Judicial Council approved in September. After the Legislature enacted AB 1621, the committee recommended further revisions relating to firearms to several of those forms and some others to implement the new law. Those proposed revisions were circulated for public comment between September 23 and October 11, 2022.

During the first comment period, comments related to the forms in this proposal were received by the Superior Courts of Orange County and San Diego County. During the second comment

period, comments were received by the Bureau of Firearms (BOF) of the California Department of Justice, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, and the Superior Court of San Diego County. Most of the commenters indicated support of the proposal or that the proposal appropriately addressed its stated purpose. All commenters offered suggestions, many of which were accepted by the committee. The significant suggestions are discussed below. The charts with all the comments and the committee's responses are attached at pages 47–66.[8]

The term "gun"

BOF suggested that the term "guns" not be used on the form as a plain-language parenthetical explanation of firearms because some guns, such as stun guns or BB guns, do not meet the definition of "firearm" within Penal Code section 16520. The committee believes that using the term "guns" in parentheses after the word "firearms" strikes an appropriate balance between using plain-language terminology and reflecting the statutory language. Because "guns" is in parentheses following the statutory term "firearm," the committee believes there is little chance that form users would understand the term to include items such as stun guns or BB guns.[9]

Describing firearm parts

BOF also suggested that the forms echo the statutory language with regard to firearm parts. Specifically, BOF recommended "receivers/frames, firearm precursor parts (as defined in Penal Code section 16531)," as a replacement for the proposed language of "firearm parts," with a parenthetical explanation of such parts. The committee considered BOF's suggestion and several other options and recommends referring to the prohibited items as "any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)." Though "firearm parts" is not statutorily defined, the committee believes that it is a helpful plain-language term that will allow restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts. "[A]ny item that may be used as or easily turned into a receiver or frame" is meant to capture the new definition of a "firearm precursor part" under AB 1621.

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[8] The comment chart from the first circulation is identified as SPR22-21; the comment chart from the second circulation is identified as SP22-10. Any comments from the first circulation that pertain to elder abuse restraining order forms not in this proposal were addressed in the report that went to the council in September: Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact* (Aug. 12, 2022), *https://jcc.legistar.com/View.ashx?M=F&ID=11204348&GUID=4894916A-9337-4922-8F52-726F8020AFEA*.

[9] Members of the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Criminal Law Advisory Committee considered the comments relating to firearms and AB 1621 together through the Joint Protective Order Working Group. During the joint meeting, members of each relevant advisory committee offered their viewpoints and expertise, and the group unanimously agreed to the recommended language included in this proposal—language that is also being recommended by the Criminal Law Advisory Committee for criminal protective orders.

Alternatives considered

Because AB 1243 provides for judicial findings regarding the debts of elder or dependent adults who are victims of financial abuse and AB 1621 restricts restrained persons from possessing or obtaining firearm parts, neither of which is provided for on the council's current mandatory elder abuse forms, the committee determined that taking no action would be inappropriate.

In addition to the alternative language discussed in the Comments section, the committee considered other language to describe firearm parts. Specifically, the committee considered "any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531." This language has already been approved for use on domestic violence and gun violence restraining orders by the Judicial Council, and so the committee considered using the same language so that the forms would be consistent. In light of comments received, however, the committee unanimously determined that including language to cover AB 1621's amended definition of "firearm precursor part" in Penal Code section 16531 was appropriate. The committee expects to recommend that this same language be incorporated on the gun violence forms the next time revisions to those forms are required, and as time and resources allow.

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 revised forms into their paper or electronic processes and to train court staff. However, many of the 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 judicial findings related to specific debts. The revised forms are also intended to assist litigants in understanding the firearm-related items that a restrained person may not properly possess or obtain.

Attachments and Links

1. Forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, and EA-800-INFO, at pages 9–46
2. Chart of comments SPR22-21 (April 6 to May 13, 2022, circulation), at pages 47–57
3. Chart of comments SP22-10 (September 23 to October 11, 2022, circulation), at pages 58–66
4. Link A: Assem. Bill 1243, *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243*
5. Link B: Assem. Bill 1621, *https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621*

EA-100 Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*(form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Gender: ☐ M ☐ F ☐ Nonbinary Age: _____

2 Person From Whom Protection Is Sought

Full Name: _____

Address *(if known):* _____

City: _____ State: ____ Zip: _____

Fill in court name and street address:

Superior Court of California, County of

3 Person Requesting Order

Who is asking the court for protection? *(Check a, b, or c):*

a. ☐ The elder or dependent adult named in 1.

b. ☐ Name: _____

conservator of the ☐ person ☐ estate ☐ person and estate of the person named in 1, appointed by *(name of court):* _____

Case No.: _____

c. ☐ Other *(name)* _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use form MC-025, Attachment.*)*

Court fills in case number when form is filed.

Case Number:

4 Contact Information

Contact information for the person asking the court for protection

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. The person in 1 does not have to give telephone, fax, or email.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

This is not a Court Order.

5 Description of Protected Person

The person named in 1 *(check a or b):*

a. ☐ Is age 65 or older and a resident of California.

b. ☐ Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. *(Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)*

6 Additional Protected Persons

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in 1? ☐ Yes ☐ No *(If yes, list them):*

Full Name	Gender	Age	Relation to person in 1?	Lives with person in 1?
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

☐ *Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.*

b. Why do these people need protection? *(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 6b—Why Others Need Protection" for a title.*

7 Relationship of Parties

How does the person in 1 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 of Parties" for a title.*

This is not a Court Order.

8 Description of Abuse

a. Abuse means either:

(1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or

(2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in 2 abused the person in 1.

(1) When did it happen? *(Provide date or estimated date):* _____

(2) Who else was there?

_____

(3) Describe what happened 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 8b(3)—Describe Abuse" for a title.*

_____

_____

_____

_____

(4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

☐ Yes, only financial abuse. ☐ No, the abuse included other forms of abuse described above.

(5) Did the person in 2 use or threaten to use a gun or any other weapon?

☐ Yes ☐ No *(If yes, 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 8b(5)—Use of Weapons" for a title.*

_____

_____

_____

_____

(6) Was the person in 1 harmed or injured as a result of the acts of abuse described above?

☐ Yes ☐ No *(If yes, 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 8b(6)—Harm or Injury" for a title.*

_____

_____

_____

_____

(7) Did the police come? ☐ Yes ☐ No

If yes, did they give the person in 1 or the person in 2 an Emergency Protective Order? ☐ Yes ☐ No

If yes, the order protects *(check all that apply):*

☐ the person in 1 ☐ the person in 2 ☐ the persons in 6 .

(Attach a copy of the order if you have one.)

This is not a Court Order.

8 c. Is the person in **2** a care custodian who deprived the person in **1** of (kept from the person, did not allow the person to have or receive, or did not provide the person with) goods or services that the person needed to avoid physical harm or mental suffering? ☐ Yes ☐ No
(If yes, describe below what the person was deprived of and how that affected the person):

☐ *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 8c—Deprivation by Care Custodian" for a title.*

d. Has the person in **2** abused the person in **1** at other times?
☐ Yes ☐ No *(If yes, describe prior incidents and provide dates 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 8d—Previous Abuse" for a title.*

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 **1** was abused by the person in **2** in this county.
c. ☐ Other *(specify):* _____

10 Other Court Cases

a. Has the person in **1** or any of the persons named in **6** been involved in another court case with the person in **2**? ☐ No ☐ Yes *(If yes, specify the kind of each case and indicate where and when each was filed):*

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

b. Are there now any protective or restraining orders in effect relating to the person in **1** or any of the persons named in **6** and the person in **2**? ☐ No ☐ Yes *(If yes, attach a copy if you have one.)*

This is not a Court Order.

Check the orders you want. ☑

(11) ☐ Personal Conduct Orders

I ask the court to order the person in (2) **not** to do any of the following things to the person in (1) or to any person to be protected listed in (6):

a. ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.

b. ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.

c. ☐ Other (*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 11c—Other Personal Conduct Orders" for a title.*

_____

_____

_____

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

(12) ☐ Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least _____ yards away from *(check all that apply):*

(1) ☐ The elder or dependent adult in (1) .

(2) ☐ The persons in (6).

(3) ☐ The home of the elder or dependent adult.

(4) ☐ The job or workplace of the elder or dependent adult.

(5) ☐ The vehicle of the elder or dependent adult.

(6) ☐ Other *(specify):* _____

_____

_____

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☐ Yes ☐ No *(If no, 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 12b—Stay-Away Orders" for a title.*

_____

_____

_____

_____

This is not a Court Order.

13 ☐ Move-Out Order

I ask the court to order the person in 2 to move out from and not return to the residence at *(address):*

The person in 1 will suffer physical or emotional harm if the person in 2 does not leave the residence. The person in 2 is not named in the title or lease of the residence, either alone or with others beside the person in 1.

☐ I ask for this move-out order right away to last until the hearing, because:

a. The person in 2 assaulted or threatened the person in 1 ; and

b. The person in 1 has the right to live at the above residence. *(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 13b—My Right to Residence" for a title.*

14 ☐ Order for Counseling or Anger Management Courses

ⓘ 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 request the person in item 2 be ordered by the court to attend clinical counseling or anger management courses provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. Explain why you are requesting an order that the person in item 2 attend clinical counseling or anger management courses.

☐ *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 14b— Counseling or Anger Management" for a title.*

15 Firearms (Guns), Firearm Parts, and Ammunition

Does the person in 2 own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). ☐ Yes ☐ No ☐ I don't know

Unless the abuse is only financial, if the judge grants a protective order, the person in 2 will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in 2 will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any firearms (guns) and firearm parts within their immediate possession or control.

This is not a Court Order.

Case Number:

16 ☐ Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the person in 2 to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order,* for the court's signature together with this *Request*.

Has the person in 2 been told that you were going to go to court to seek a TRO against them?

☐ Yes ☐ No *(If you answered no, explain why 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 16—Temporary Restraining Order" for a title.*

17 ☐ 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 17—Request to Give Less Than Five Days' Notice" for a title.*

18 ☐ Debts Caused by Financial Abuse

You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in 2's financial abuse. This may help you defend against the debt if you are sued in another case.

a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in 2's financial abuse.

☐ *Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title.*

	Money Owed To	For	Amount
(1)			$
(2)			$
(3)			$

b. Describe what the person in 2 did to cause the debts and bills that you listed above. Provide as much detail as you can about the person in 2's financial abuse.

☐ *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 18b—How Debt Was Incurred" for a title.*

This is not a Court Order.

19 ☐ Lawyer's Fees and Costs

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

The amounts requested are:

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *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 19—Lawyer's Fees and Costs" for a title.*

20 ☐ Possession and Protection of Animals

I ask the court to order the following:

a. ☐ That the person in (1) be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because *(specify good cause for granting order)*:

☐ *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 20a—Possession of Animals" for a title.*

b. ☐ That the person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

21 No Fee to Serve Orders

If you want the sheriff or marshal to serve (notify) the person in (2) about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

22 ☐ Additional Orders Requested

I ask the court to make the following additional orders *(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 22—Additional Orders Requested" for a title.*

23 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*

This is not a Court Order.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

EA-100-INFO Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

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?

It is a court order that helps protect people from being abused.

Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
  For more information about the items a restrained person cannot have, please see *https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items*.

You can also ask for protection for people who live with you and family members.

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

In addition to the elder or dependent adult, the following persons may apply for a restraining order 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
- 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 fees for the other party.

What forms do I need to get the order?

You must fill out all of form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, and form CLETS-001, *Confidential CLETS Information*. If you need attachments, you may use form MC-025, *Attachment*. You must also fill out items 1 and 2 on form EA-109, *Notice of Court Hearing*, and items 1, 2, and 3 on form EA-110, *Temporary Restraining Order*.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website 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 abuse took place or the person to be restrained 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, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing and Temporary Restraining Order.*

EA-100-INFO Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

How long does the order last?

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

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must "serve" (give) the person to be restrained a copy of the order. 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?"*

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

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

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

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

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 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.

Will I see the restrained person at the court hearing?

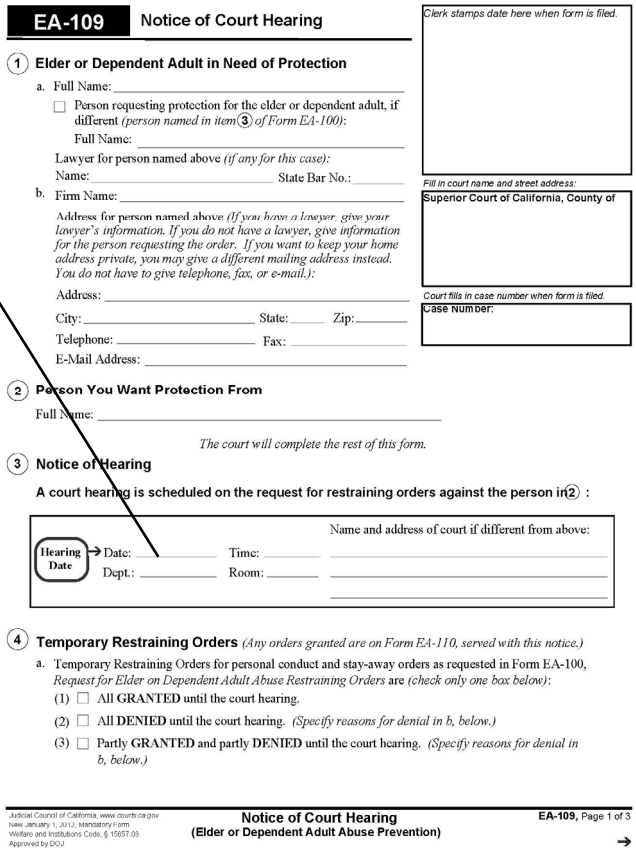
If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

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.

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 *https://selfhelp.courts.ca.gov/request-interpreter*.



EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

a. Full Name:

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of Form EA-100)*:

Full Name:

Lawyer for person named above *(if any for this case)*:

Name: State Bar No.:

b. Firm Name:

Address for person named above *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*:

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name:

The court will complete the rest of this form.

3 Notice of Hearing

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

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

Name and address of court if different from above:

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* are *(check only one box below)*:

(1) ☐ All GRANTED until the court hearing.

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

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

Judicial Council of California, www.courts.ca.gov
New January 1, 2012, Mandatory Form
Welfare and Institutions Code, § 15657.03
Approved by DOJ

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

EA-109, Page 1 of 3

What if the restrained person's abuse caused me to owe money or debts?

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judge to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

Information about the process is also available online.

See *https://selfhelp.courts.ca.gov/EA-restraining-order*.

For help in your area, contact:

[Local information may be inserted.]

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

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

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*.

DRAFT 10/31/2022
Not approved by the Judicial Council

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

NOT APPROVED BY THE JUDICIAL COUNCIL

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item 3 of form EA-100)*:
Full Name: _____

Lawyer for person named above *(if any for this case):*
Name: _____ State Bar No.: _____
Firm Name: _____

b. Address for person named above *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):*
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

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

Name and address of court if different from above:
_____
_____
_____
_____

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, *Request for Elder on Dependent Adult Abuse Restraining Orders* are *(check only one box below):*

(1) ☐ All **GRANTED** until the court hearing.

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

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

4 Temporary Restraining Orders (Continued)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders,* are:

(1) ☐ The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in 2.

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

5 Service of Documents by the Person in 1

At least ☐ **five** ☐ _____ **days before the hearing**, someone age 18 or older—**not you or anyone to be protected—**must personally give (serve) a court file-stamped copy of this form EA-109, *Notice of Court Hearing,* to the person in 2 along with a copy of all the forms indicated below:

a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
b. ☐ EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
c. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
d. EA-250, *Proof of Service of Response by Mail* (blank form)
e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
f. ☐ Other *(specify):* _____

Date: _____ ▶ _____
Judicial Officer

To the Person in 1 :

- The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. 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-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

Case Number:

To the Person in ❷ :

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders,* and have someone age 18 or older—**not you or anyone to be protected—**mail it to the person in ❶ .
- 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 orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**

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* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

EA-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

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

(1) Protected Elder or Dependent Adult

a. Full Name: _____

☐ Person requesting protection for the elder or dependent adult, if different *(person named in item (3) of form EA-100)*:

Full Name: _____

Lawyer for person named above *(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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(2) Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

(3) ☐ Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to Protected Person
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ No	_____

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

(4) Expiration Date

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

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

This is a Court Order.

Case Number:

To the Person in (2):

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

(5) Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You must **not** do the following things to the elder or dependent adult named in (1)

☐ and to the other protected persons listed in (3):

(1) ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.

(2) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text messages, by fax, or by other electronic means.

(3) ☐ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify):*

☐ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1).

(6) Stay-Away Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You **must** stay at least _____ yards away from *(check all that apply):*

(1) ☐ The elder or dependent adult in (1)

(2) ☐ Each person in (3)

(3) ☐ The home of the elder or dependent adult

(4) ☐ The job or workplace of the elder or dependent adult

(5) ☐ The vehicle of the person in (1)

(6) ☐ Other *(specify):*

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

(7) Move-Out Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

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

This is a Court Order.

8 No Firearms (Guns), Firearm Parts, or Ammunition

☐ **Not Issued** (financial abuse only) ☐ **Granted as Follows:**

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

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b below.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 Financial Abuse

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

10 Possession and Protection of Animals

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

_____

_____

_____

_____

b. ☐ The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

This is a Court Order.

11 Other Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows** *(specify):*

_____

_____

_____

_____

_____

☐ Additional orders are attached at the end of this Order on Attachment 11.

To the Person in 1 :

12 Mandatory Entry of Order Into CARPOS Through CLETS

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

a. ☐ The clerk will enter this Order and its proof of service form into CARPOS.

b. ☐ The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

13 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____ _____

Judicial Officer

This is a Court Order.

Warnings and Notices to the Restrained Person in 2

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in item 8, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 8. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form EA-109, *Notice of Court Hearing,* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item 2.

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). 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.

This is a Court Order.

Case Number:

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item (4) on page 1.

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. Agencies are encouraged to enter violation messages into CARPOS.

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.

An officer can obtain information about the contents of the order and proof of service in CARPOS. 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.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for 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 will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____ , Deputy

This is a Court Order.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

EA-120 Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

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 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-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 (14) on page 4.)*

c. ☐ I agree to the following orders *(specify below or in item (14) 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 (14) on page 4.)*

c. ☐ I agree to the following orders *(specify below or in item (14) on page 4):*

_____

_____

Case Number:

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 14 on page 4.)*

c. ☐ I agree to the following orders *(specify below or in item 14 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

ⓘ 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 14 on page 4.)*

c. ☐ I agree to the following orders *(specify below or in item 14 on page 4):*

8 Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (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 firearms (guns) or firearm parts 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, *Receipt for Firearms and Firearm Parts*, for the receipt.

a. ☐ I do not own or control any firearms (guns), firearm parts, 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 firearms (guns) and firearm parts 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.

Case Number:

9 ☐ Debts Caused by Financial Abuse

a. ☐ I agree to the findings requested.
b. ☐ I do not agree to the findings requested. *(Specify why you disagree in item 14 on page 4.)*
c. ☐ I agree to the following findings *(specify below or in item 14 on page 4):*

10 ☐ 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 14 on page 4.)*
c. ☐ I agree to the following orders *(specify below or in item 14 on page 4):*

11 ☐ Other Orders

a. ☐ I agree to the orders requested.
b. ☐ I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
c. ☐ I agree to the following orders *(specify below or in item 14 on page 4):*

12 ☐ Denial

I did not do anything described in item 8 of form EA-100. *(Skip to 14.)*

13 ☐ 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 13–Justification or Excuse" as a title. You may use form MC-025,* Attachment.

Case Number:

14 ☐ Reasons I Do Not Agree to the Requests

Explain your answers to each order or finding 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 14—Reasons I Disagree" as a title. You may use form MC-025,* Attachment.

15 ☐ Lawyer's Fees and Costs

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

Item	Amount	Item	Amount
	$		$
	$		$
	$		$

☐ *Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 15—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.

16 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*

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

EA-120-INFO How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). For more information about the items you would not be allowed to have, please see *https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items*.

Who can ask for a restraining order?

A person who is being:

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

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

I've been served with a request for elder or dependent adult abuse restraining orders. What do I do now?

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

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form EA-120, *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at *www.courts.ca.gov/forms*. You also may be able to find them at your local courthouse or county law library.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

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

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.

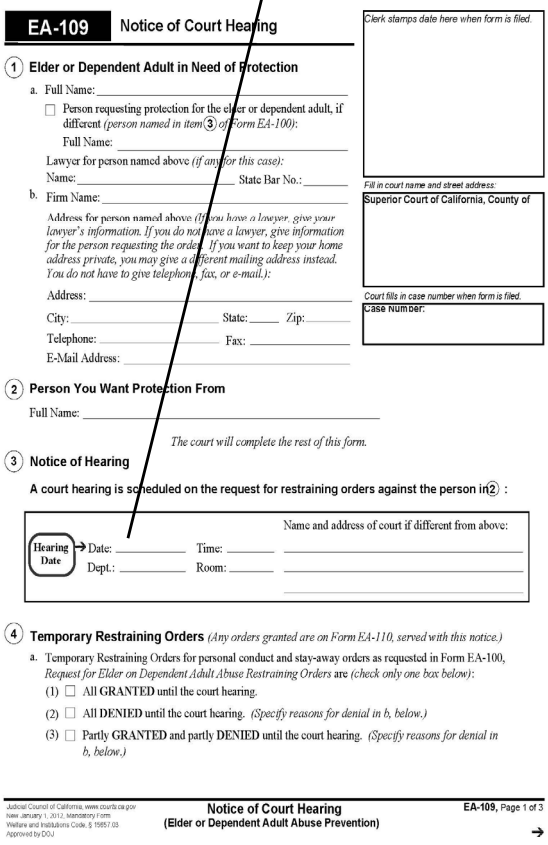
What if I don't speak English?

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 *https://selfhelp.courts.ca.gov/request-interpreter*.

EA-120-INFO How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

Should I go to the court hearing?

Yes. You should go to court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.



EA-109 Notice of Court Hearing

1 Elder or Dependent Adult in Need of Protection

a. Full Name:

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name:

Lawyer for person named above (*if any for this case*):

Name: State Bar No.:

b. Firm Name:

Address for person named above (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name:

The court will complete the rest of this form.

3 Notice of Hearing

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

Hearing Date → Date: Time:

Dept.: Room:

Name and address of court if different from above:

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* are (*check only one box below*):

(1) ☐ All GRANTED until the court hearing.

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

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

Judicial Council of California, www.courts.ca.gov
New January 1, 2012, Mandatory Form
Welfare and Institutions Code, § 15657.03
Approved by DOJ

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

EA-109, Page 1 of 3

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

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

Can I bring a witness to the court hearing?

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

How long does the order last?

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

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

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

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

What if I 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*.

Information about the process is also available online.

See *https://selfhelp.courts.ca.gov/EA-restraining-order*.

For help in your area, contact:

[Local information may be inserted.]

DRAFT 10/31/2022
Not approved by the Judicial Council

EA-130 Elder or Dependent Adult Abuse Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by the Judicial Council

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

(1) Elder or Dependent Adult Seeking Protection

a. Full Name: _____

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

Full Name: _____

Lawyer for person named above *(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: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

(2) Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

(3) ☐ Additional Protected Persons

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

Full Name	Gender	Age	Lives with Person in (1)?	Relation to Person in (1)
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ No	_____

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

(4) 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.

This is a Court Order.

5 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 elder or dependent adult in need of protection
(2) ☐ The lawyer for the elder or dependent adult *(name):* _____
(3) ☐ The person in (1) asking for protection (if not the elder or dependent adult)
(4) ☐ The lawyer for the person in (1) asking for protection *(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 5.

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.

6 ☐ Personal Conduct Orders

a. You must **not** do the following things to the elder or dependent adult named in (1)
☐ and to the other protected persons listed in (3):
(1) ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
(2) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
(3) ☐ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
(4) ☐ Other *(specify):* _____
☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

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

7 ☐ Stay-Away Orders

a. You **must** stay at least _____ yards away from *(check all that apply):*
(1) ☐ The elder or dependent adult in (1).
(2) ☐ Each person in (3).
(3) ☐ The home of the elder or dependent adult.
(4) ☐ The job or workplace of the elder or dependent adult.
(5) ☐ The vehicle of the elder or dependent adult.
(6) ☐ Other *(specify):*
_____
_____
_____
_____

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

This is a Court Order.

8 ☐ Move-Out Order

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

_____

_____

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

9 ☐ Order for Counseling or Anger Management

a. The person in item 2 is ordered to attend:

☐ clinical counseling for _____ *(specify number)* sessions; or

☐ an anger management course

provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. The person in item 2 must schedule clinical counseling or enroll in an anger management course by *(date):* _____, or if no date is listed, within 30 days after this order is made. The person in item 2 is ordered to file written proof of scheduling or enrollment with the court.

c. ☐ Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by *(date):* _____, or the person in item 2 must appear for a court date on *(date):* _____ *at (time):* _____ in Dept.: _____ Room: _____

10 ☐ No Firearms (Guns), Firearm Parts, or Ammunition

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

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. If you have not already done so, you must:

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

This is a Court Order.

10 e. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in 2 is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* _____

_____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

11 Financial Abuse

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

12 ☐ Possession and Protection of Animals

a. ☐ The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

_____

_____

_____

b. ☐ The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

13 ☐ Specific Debts

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in 1 by the person in 2.

Money Owed To:	For:	Amount:
_____	_____	$ _____
_____	_____	$ _____
_____	_____	$ _____

☐ Additional debts are attached at the end of this Order on Attachment 13.

14 ☐ Lawyer's Fees and Costs

You must pay to the person in 1 the following amounts for ☐ lawyer's fees ☐ costs:

Item	Amount	Item	Amount
_____	$ _____	_____	$ _____
_____	$ _____	_____	$ _____

☐ Additional amounts are attached at the end of this Order on Attachment 14.

This is a Court Order.

Case Number:

15 ☐ **Other Orders** *(specify):*

Additional orders are attached at the end of this Order on Attachment 15.

To the Person in 1 :

16 Mandatory Entry of Order Into CARPOS Through CLETS

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

a. ☐ The clerk will enter this Order and its proof of service form into CARPOS.

b. ☐ The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof of service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 16.

17 Service of Order on Restrained Person

a. ☐ The person in (2) personally attended the hearing. No other proof of service is needed.

b. ☐ The person in (1) was at the hearing. The person in (2) was not.

(1) ☐ Proof of service of form EA-110, *Temporary Restraining Order,* was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in (2) must be served with this Order. Service may be by mail.

(2) ☐ Proof of service of form EA-110, *Temporary Restraining Order,* was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in (1) or (3)—must personally serve a copy of this Order on the person in (2).

18 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____ _____

Judicial Officer

This is a Court Order.

Warning and Notice to the Restrained Person in 2:

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in item 10 on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 10. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). 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 5. The order *ends* on the expiration date in item 4 on page 1.

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. Agencies are encouraged to enter violation messages into CARPOS.

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.

An officer can obtain information about the contents of the order and proof of service in CARPOS. 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.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Case Number:

Instructions for Law Enforcement

Conflicting Orders—Priorities for 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 6a(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 Abuse Restraining Order 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.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

EA-800 Receipt for Firearms and Firearm Parts

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

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 Protected Person

Name: _____

2 Restrained Person

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: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form EA-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items *(List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):*

☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item 6.)*

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

▶ *Signature of law enforcement agent:* _____

Case Number:

5 To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items *(List all the items surrendered by the person in 2. You may attach a separate form (e.g., Department of Justice's* Report of Firearms Acquisition*) or you may use item 6. Check below if you have attached a separate form):*

☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item 6.)*

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

▶ *Signature of licensed gun dealer* _____

6 ☐ List of Items Surrendered

Firearms and firearm parts					
Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)			☐	☐	☐
(2)			☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐
(5)			☐	☐	☐
(6)			☐	☐	☐

☐ *Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "EA-800, item 6" at the top, and attach it to this form.*

Case Number:

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes *(If yes, check one of the boxes below):*

a. ☐ I filed a *Receipt for Firearms and Firearm Parts* (form EA-800) or other proof for those items with the court on *(date):* _____

b. ☐ I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

_____
_____
_____
_____
_____
_____

Your signature

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 your name

_____
Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

Print this form | Save this form | Clear this form

EA-800-INFO How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?

DRAFT 10/31/2022
Not approved by
the Judicial Council

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon; and
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called "ghost guns."

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for "Gun Dealers" or "Firearms Dealers" to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.
Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Receipt for Firearms and Firearm Parts* (form EA-800) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See *https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders*.

For help in your area, contact:

[Local information may be inserted.]

SPR22-21

Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

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

	Commenter	Position	Comment	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	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. 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:	The committee appreciates the information provided.
			* [Specific comments that address only the new EA-300 series of forms relating to the new claim	The committee responded to these comments when making recommendations to the council regarding the new EA-300 series of forms. See

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

SPR22-21
Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)
All comments are verbatim unless indicated by an asterisk (*)

	Commenter	Position	Comment	Committee Response
			for an order allowing contact with an elder or dependent adult have not been included here.]	Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact* (Aug. 12, 2022), *https://jcc.legistar.com/View.ashx?M=F&ID=11204348&GUID=4894916A-9337-4922-8F52-726F8020AFEA*.
			Question 1. Does the proposal appropriately address the stated purpose? Response to Question 1: Yes.	The committee appreciates the information provided.
3.	Superior Court of Los Angeles County by Bryan Borys	A	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee's separate recommendations on the new EA-300 form series.
4.	Superior Court of Orange County by Sean E. Lillywhite Training & Analyst Group	NI	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee's separate recommendations on the new EA-300 form series.
			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."	The committee declines this suggestion because "excuse" is widely used across the form sets, and such a revision is outside the scope of this proposal.

	Commenter	Position	Comment	Committee Response
			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: *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.* *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.*	See response above regarding the committee's separate recommendations on the new EA-300 form series.
			Impact *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	The committee appreciates the information provided.

	Commenter	Position	Comment	Committee Response
			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. *Affected Third Parties:* 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. **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. *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 *gender* and *non-binary* 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.	
			1. Does the proposal appropriately address the stated purpose? ***Response: Yes***	The committee appreciates the information provided.

	Commenter	Position	Comment	Committee Response
			6. Would the proposal provide cost savings? If so, please quantify. ***Response: I don't think the proposal will provide cost saving.***	The committee appreciates the information provided.
			7. What are the implementation requirements 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 system, or modifying case management system. ***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. -***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 *gender* and *non-binary* to the forms and also for	The committee appreciates the information provided.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

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

	Commenter	Position	Comment	Committee Response
			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.	
			8. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? ***Response: Yes*** 9. How well would this proposal work in courts of different sizes? ***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.***	The committee appreciates the information provided.
5.	Superior Court of San Bernardino County	NI	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee's separate recommendations on the new EA-300 form series.
			Does the proposal appropriately address the stated purpose? Yes	The committee appreciates the information provided.
			Would the proposal provide cost savings? If so, please quantify. No	The committee appreciates the information provided.

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

	Commenter	Position	Comment	Committee Response
			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 Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee's separate recommendations on the new EA-300 form series.
			Does the proposal appropriately address the stated purpose? **Yes.**	The committee appreciates the information provided.
			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	The committee appreciates the information provided.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

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

	Commenter	Position	Comment	Committee Response
			(please describe), changing docket codes in case management systems, or modifying case management systems? **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.**	
			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.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

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

	Commenter	Position	Comment	Committee Response
			8c: Propose that "ammunition" be added.	In light of this comment, the committee recommends including "ammunition" in this item (now item 8d) and revising corresponding items on the petition (item 15) and response (item 8) to include reference to whether the respondent possesses ammunition.
			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.	In light of this and other comments received, the heading has been changed to "You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition."
			EA-120: **Item 8 No Guns or Other Firearms and Ammunition**: 8c: Propose that "ammunition" be added.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			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.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			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	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

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

	Commenter	Position	Comment	Committee Response
			item similar to proposed DV-110 included in SPR22-20.	
			10c: Propose that "ammunition" be added.	In light of this comment, the committee recommends including "ammunition" in this item (now item 10d) and revising corresponding items on the petition (item 15) and response (item 8) to include reference to whether the respondent possesses ammunition.
			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.	In light of this and other comments received, the heading has been changed to "You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition."
			Propose adding "ammunition" to the [third] sentence.	The committee declines this suggestion as Welfare and Institutions Code, section 15657.03(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
7.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	NI	* [Specific comments that address only the new EA-300 series of forms relating to the new claim for an order allowing contact with an elder or dependent adult have not been included here.]	See response above regarding the committee's separate recommendations on the new EA-300 form series.
			JRS Position: Agree with proposed changes **if modified**.	The committee appreciates the information provided.

SPR22-21

Protective Orders: Elder Abuse Forms Implementing AB 1243 (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-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250)

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

	Commenter	Position	Comment	Committee Response

			The JRS notes that the proposal is required to conform to a change of law.
			
			The JRS also notes the following impact to court operations:
			• Results in additional training, which requires the commitment of staff time and court resources.
			  o 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
			  o There would be minimal impact on County Counsel offices who provide representation in guardianship cases.	

SP22-10

Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621 (Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO)

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

	Commenter	Position	Comment	Committee Response
1.	California Department of Justice, Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy Deputy Attorney General	AM	The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to nine Judicial Council elder or dependent adult restraining orders forms pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621). The Invitation to Comment specifically requested comments on what language for a "plain-language definition for firearm parts is preferable." BOF submits this public comment to address this request. For the sake of brevity, this comment will not speak to each of the nine forms within Item SP22-10. It is also unnecessary because each form makes the same, or a similar, revision that this comment seeks to address. Specifically, each revised form describes three categories of prohibited items resulting from a restraining order: (1) "firearms (guns)"; (2) "firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)"; and (3) "ammunition." For the reasons described below, the following revisions are recommended for all nine forms: (1) that the phrase "Firearms (Guns), Firearm Parts, and Ammunition" be revised to "Firearms, Receivers/Frames, Firearm Precursor Parts, and Ammunition"; and (2) that the phrase "firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal	The committee appreciates the information provided. The committee declines this recommendation as the proposed language is not plain language and may not be understandable by a significant portion of court users

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

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			Code section 16531), or ammunition" be revised to "firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition." As to the first category, "firearms (guns)," the use of "guns" in a parenthetical to presumably attempt to describe a "firearm" in plain language is unnecessary and potentially confusing. The term "firearm" has a statutory definition that does not use the word "gun" or otherwise refer to a "gun." Under Penal Code section 16520, subdivision (a), "firearm" is defined as "a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion." Not all guns meet this definition of a firearm. Thus, equating a firearm with a gun, and vice versa, is incorrect. For example, there are separate statutory definitions for a blowgun (Pen. Code, § 16270), stun gun (Pen. Code, § 17230), and an imitation firearm such as a BB device, spot marker gun, or airsoft gun (Pen. Code, § 16700). These separately defined guns are subject to different statutory restrictions and punishments from those that apply to firearms. (Compare Pen. Code, Part 6, Title 3 ["Weapons and Devices Other than Firearms"] with Pen. Code, Part 6, Title 4 ["Firearms"].) The Background section in the Invitation to Comment described the need for the revision to be a result of AB 1621, which "prohibits individuals restrained	The committee disagrees. The term "gun" is only included as a parenthetical plain-language explanation of the statutory term "firearm." Because "guns" follows the statutory term, "firearm," the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.

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			under most elder or dependent adult protective orders" from possessing firearms, with a citation to Penal Code section 16520, subdivision (b)(24), (26). However, as just described, "guns" are not included within the definition of firearm in Penal Code section 16520 and the term "guns" can include items that are defined under other statutes. Therefore, equating "firearms" with "guns" will possibly confuse the court and the restrained person as to which items are prohibited pursuant to the restraining order. Moreover, the three Judicial Council criminal law forms revised in Item SP22-12 do not use the phrase "firearms (guns)," so inconsistency exists across these civil law and criminal law forms. Accordingly, it is recommended that the parenthetical use of "guns" be stricken and the phrase "firearms (guns)" simply read as "firearms." There are also some inaccuracies with regards to the second category previously described, "firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)." First, the term "firearm parts" is not a term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, "firearm parts" also lacks any statutory definition. Thus, using this term in nine court forms will create a new term that lacks a statutory basis and one that is not used by the	The committee declines this suggestion for the reasons stated above. The committee recommends the use of "firearm parts" as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are prohibited through the use of the term "firearm parts."

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			agencies tasked with enforcing the restraining orders. Second, connecting "unfinished receiver or frame" with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a "firearm precursor part" as "a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . . (2) An unfinished handgun frame." (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: "any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted." (Pen. Code, § 16531, subd. (a).) The terms "unfinished receiver" and "unfinished frame" no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 3, footnote 8 in Item SP22-10's Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use "unfinished	The committee agrees, in part, and will replace "unfinished receiver or frame" with "any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)."

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			receiver or frame" in its Firearm Precursor Part Identification Guidebook, available here, https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foag.ca.gov%2Fsystem%2Ffiles%2Fmedia%2Fbof-reg-rev-fpp-id-guidebook.pdf&data=05%7C01%7CKhayla.Salangsang%40jud.ca.gov%7C6042ca49f1ef4c8997ee08daabe065dd%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638011277536617112%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Oh%2BjZm49I0JKy%2FSRgHWPJb5HDimN%2BPjiz3w96LGJx9w%3D&reserved=0, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.) Accordingly, it is recommended that "firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)" be replaced with: "receivers/frames, firearm precursor parts (as defined in Penal Code section 16531)." This recommended iteration is clearer because the terms "receiver" and "frame" are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although "firearm precursor part" might be a relatively new term, the reference to the specific Penal Code	The committee declines this recommendation for the reasons stated above.

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			section will assist with understanding its meaning. A plain language description of a "firearm precursor part" would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd, (a).) This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: "As used in the following provisions, 'firearm' includes the frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part." (Pen. Code, § 16520, subd. (b).) Using this recommended iteration would ensure that law enforcement agencies remove the correct items from restrained and prohibited persons, which would avoid the need for duplicative law enforcement efforts resulting from prohibited persons maintaining possession of items they should not have. Moreover, this iteration would avoid the possibility of an unknown term, "firearm parts," being used in the California Restraining and Protective Order System (CARPOS), which collects the information in these forms and orders so that law enforcement agencies can enforce these orders and be aware of the restrained person, should they come across them in the field.	

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			Although there is a separate statutory definition for a "federally regulated firearm precursor part" under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to federal law, and thus would fall within the meaning of a "firearm."	The committee agrees that "federally regulated firearm precursor part" does not need to be mentioned.
2.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	Does the proposal appropriately address the stated purpose? **Yes.** Which parenthetical plain-language definition for firearm parts is preferable: • "any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531" • "any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)" • Some other language? **The first option, which is consistent with the language adopted on the recently revised domestic violence forms.** 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	The committee appreciates the information provided. In light of this and other comments the committee has modified the description of prohibited items to refer to: "any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)." The committee anticipates that it and other advisory committees that are part of the Joint Protective Order Working Group will recommend the use of consistent language describing prohibited items across protective order forms as other forms are revised. The committee appreciates the information provided about court implementation matters.

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			describe), changing docket codes in case management systems, or modifying case management systems? **Revisions to internal procedures, local packets, and training for staff.** Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? **Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to train staff, modify local packets, and obtain printed stock.** How well would this proposal work in courts of difference sizes? **It appears that the proposal would work for courts of all sizes.**	
3.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	A	Please check all of the following *significant* fiscal and/or operational impacts that this proposal may or will create for the trial courts. For each fiscal or operational impact, please provide an explanatory comment below. Insofar as you are able, please quantify the fiscal or operational impact by dollar amount, staff resources, etc. ☐ 1. Significant fiscal impact. ☒ 2. Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.)?	The committee appreciates the information provided about court implementation matters.

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			☐ 3. Trial court labor or employment related issues and/or concerns. ☒ 4. Requires development of local rules and/or forms. ☐ 5. Results in additional training, which requires the commitment of staff time and court resources. ☐ 6. Increases court staff workload. ☐ 7. Changes the responsibilities of the presiding judge and/or supervising judge. ☐ 8. Impact on court security. ☐ 9. Impact on local or statewide justice partners. ☐ 10. Proposed date for implementation is not feasible or is problematic. ☐ 11. Other major fiscal or operational impacts. Currently there is not a check box to include civil, elder or criminal protective orders with Firearm Relinquishment Orders on the CCPOR. Protective orders Firearm Relinquishment Orders information must be written into the text free form box which has limited characters. It would be extremely helpful to have CCPOR updated to include check boxes for the protective orders with Firearm Relinquishment Orders.	CCPOR refers to the California Courts Protective Order Registry, a statewide system administered by the Judicial Council for storing restraining and protective orders that is accessible to judicial officers to reduce the issuance of conflicting orders. The registry also has a gateway for entering orders into the Department of Justice's California Restraining and Protective Order System (CARPOS). The comment is, however, beyond the scope of the proposal and has been passed along to staff that administers CCPOR.