



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-159, Version: 1

Title

Rules and Forms | Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Action Required)

Summary

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

Recommendation

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

1. Adopt the following forms:
 - *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300);
 - *Notice of Court Hearing to Allow Contact* (form EA-309);
 - *Request to Continue Court Hearing on Request to Allow Contact* (form EA-315);
 - *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316);
 - *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-320); and
 - *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* (form EA-330);
2. Approve the following forms:
 - *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
 - *How to Ask for a New Date for a Hearing to Allow Contact* (form EA-315-INFO); and
 - *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO);
3. Revise the following forms:
 - *Proof of Personal Service* (form EA-200);
 - *What Is "Proof of Personal Service"?* (form EA-200-INFO); and
 - *Proof of Service of Response by Mail* (form EA-250).