

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, ammunition, or body armor. 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

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 _____, *Request for Elder or Dependent Adult Abuse Restraining Orders*, and form _____, *Confidential CLETS Information*. If you need attachments, you may use form _____, *Attachment*. You must also fill out items 1 and 2 on form _____, *Notice of Court Hearing*, and items 1, 2, and 3 on form _____, *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.courtinfo.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*.



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 *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for form *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 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 *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to

EA-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
① Elder or Dependent Adult in Need of Protection		
<p>a. Full Name: _____ <input type="checkbox"/> Person requesting protection for the elder or dependent adult, if different (person named in item ③) of form EA-109; Full Name: _____ Lawyer for person named above (if any for this case): _____ Name: _____ State Bar No.: _____ Firm Name: _____</p>		
<p>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: _____</p>		
<p>Court fills in case number when form is filed. ② Person You Want Protection From Full Name: _____ <i>The court will complete the rest of this form.</i></p>		
<p>③ Notice of Hearing A court hearing is scheduled on the request for restraining orders against the person in ②: Name and address of court if different from above: Hearing Date: _____ → Date: _____ Time: _____ Dept.: _____ Room: _____</p>		
<p>To the person in ②: • If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order. • If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.</p>		
<p>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, <i>Request for Elder or Dependent Adult Abuse Restraining Orders</i>, are (check only one box below): (1) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)</p>		
<small>Judicial Council of California, www.courts.ca.gov Rev. January 1, 2025, Mandatory Form Welfares and Institutions Code, § 18957.03 Approved by DCA</small>		<small>Notice of Court Hearing (Elder or Dependent Adult Abuse Prevention)</small>
		<small>EA-109, Page 1 of 3</small>



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

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 *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form *How to Request a Disability Accommodation for Court*.