

Elder or Dependent Adult Abuse Restraining Order After Hearing

Clerk stamps date here when form is filed.

Person in (1) must complete (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 (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 (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 (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 (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:

- Within 24 hours of being served with this order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your custody or control, or that you possess or own.
- File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition* 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. ☐ Permission to have firearm or ammunition for work: The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form EA-850, *Permission to Have Firearm or Ammunition for Work*.

11 ☐ **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	☐ (date): _____
(2) _____	_____	☐ (date): _____
(3) _____	_____	☐ (date): _____
(4) _____	_____	☐ (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	☐ (date): _____
(2) _____	_____	_____	☐ (date): _____
(3) _____	_____	_____	☐ (date): _____
(4) _____	_____	_____	☐ (date): _____

- ☐ Check here to list additional items. List them on a separate piece of paper, write "EA-130, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

12 ☐ **Restrained Person Has Not Complied With Surrendering Prohibited Items**

- a. The court finds that you have not fully complied with the orders previously granted on (date): _____.
The court has not received a receipt or proof of compliance for all the items listed in (11).
- b. **Notify Law Enforcement**
The court will immediately notify the following law enforcement agency of this violation
(law enforcement agency or agencies): _____
- c. **Notify Prosecutor**
The court will immediately notify the following prosecuting agency of this violation:
(prosecuting agency): _____

13 **No Body Armor**

If the order in (10) is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.

14 ☐ Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in (10) b) you still have or own, including any items listed in (11). If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



Date: _____ Dept.: _____
Time: _____ Room: _____

Name and address of court, if different than court address listed on page 1:

15 Financial Abuse

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

16 ☐ 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 them, or reside in their 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.

17 ☐ 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 17.

18 ☐ 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 18.

This is a Court Order.

19 ☐ **Other Orders** (*specify*):

☐ Additional orders are attached at the end of this Order on Attachment 19.

To the Person in ①:**20** **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 20.

21 **Service of Order on Restrained Person**

- a. ☐ The person in ② personally attended the hearing, either physically or remotely (by telephone or videoconference). 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.
- (3) ☐ The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
- (a) ☐ Personal service by (*date*): _____
- (b) ☐ Mail at the last known address of the person in ② by (*date*): _____

This is a Court Order.

22 No Fee to Serve (Notify) Restrained Person

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

23 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer

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 10 on page 3 (unless 10 e 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 10 b 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), firearm parts, or ammunition that you have or control as stated in 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, and the restrained person was not present at the court hearing (see 21), 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 6. The order *ends* on the expiration date in 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 at the restraining order hearing (see 21) or 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.

This is a Court Order.

Instructions for Law Enforcement

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 of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2; Fam. Code §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

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 also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. (7) a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) 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 also 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 also 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.