

How to Request an Elder or Dependent Adult Abuse Restraining Order

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Local form CV-5014 Declaration in Support of Ex Parte Application for Civil Restraining Orders <input checked="" type="checkbox"/> EA-109 Notice of Court Hearing <input checked="" type="checkbox"/> EA-110 Temporary Restraining Order <input checked="" type="checkbox"/> EA-100 Request for Elder or Dependent Adult Abuse Restraining Orders <input checked="" type="checkbox"/> MC-025 Additional page <input checked="" type="checkbox"/> CLETS-001 California Law Enforcement Telecommunications System Information Form <p>Complete the next form to ask the Sheriff to serve your forms:</p> <ul style="list-style-type: none"> <input type="checkbox"/> SER-001 Request for Sheriff to Serve Court Papers
Step 2	<p>Optional Review: Bring your completed forms to the Restraining Order Help Center at 201 North First Street, San Jose to have them reviewed before filing.</p>
Step 3 Free to file.	<p>File: Turn in the forms to the Court Specialist at the Calendar Office in Room 104 courthouse located at: 191 North First Street, San Jose, CA 95113</p> <p>The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-882-2100 for current office hours.</p> <p>The Court Specialist will give you a slip to let you know how to check if your forms are ready. If you lose that slip, contact the Court Specialist at (408) 882-2100, option 6, then 5, then 4.</p>
Step 4	<p>Pick up:</p> <ul style="list-style-type: none"> • When your forms are ready, go back to the Court Specialist window to pick them up. They will NOT be mailed to you; you must pick them up at the courthouse. • Once you pick up the forms, look at them to see if the Judge granted a temporary restraining order pending hearing. There will also be a court date on the forms. • Keep 1 copy for your records. If your request is approved, the Clerk will give you extra copies of your Temporary Restraining Order. Keep a copy in locations where you are to show law enforcement a copy (car, work, home, etc.).
Step 5	<p>Personal Service – deadline is <u>5 days</u> before your court date:</p> <ul style="list-style-type: none"> • “<i>Personal Service</i>” means: An adult, who is not a party or a protected person, in the case must hand-deliver the 1 filed copy of the forms in Step 1, a blank EA-120 <i>Response to Request for Elder or Dependent Adult Abuse Restraining Orders</i>, EA-800 <i>Proof of Firearms Turned In or Sold</i>, EA-800-INFO, and local form FM-1047 to the Restrained Person. • Whoever serves must complete the attached form EA-200 Proof of Personal and give it back to you. File the original EA-200 and copy at the Clerk's Office. The clerk will stamp the copy and give it back to you for your records. • If you asked the Sheriff to serve your forms, the court will forward your forms to the Sheriff's office. You can contact the Sheriff's office at (408) 808-4800 to see if they were able to serve. Note: There is no guarantee that the Sheriff's will serve your forms. It is your responsibility to be sure service is completed.
Step 6	<p>Go to your court date.</p>

WHEN CAN I ASK FOR AN ELDER OR DEPENDENT ADULT ABUSE RESTRAINING ORDER?

You may ask for this type of restraining order if you are 65 years or older or are between the ages of 18 and 64 and have physical or mental limitations that restrict your ability to carry out normal activities or protect your rights. You also must show the court that the other party has abused you. This abuse may include any of the following: physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment resulting in physical harm or pain or mental suffering. Abuse may also include a failure to provide necessary care required to avoid physical harm or mental suffering.

HOW CAN I CHECK THE STATUS OF THE REQUEST FOR A RESTRAINING ORDER I JUST FILED?

When you file restraining order forms, the Court Specialist at the courthouse will give you a slip with instructions on how to find out if your forms are ready. However, if you lose that slip, you can call the courthouse where you filed your forms at (408) 882-2100, option 6, then 6.

HOW LONG DOES THE RESTRAINING ORDER LAST?

The temporary restraining order will remain in effect until your court date which will usually be in about 3 weeks. During your court hearing, if the Judge grants your request the restraining order could last for up to 5 years.

HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on “Lawyer Referral services” to hire or consult with a private attorney.
- For free legal advice and information, see our “Do-It-Yourself Resources” flyer. Go to www.scscourt.org, click on “Self-Help” then “Self-Help Flyers”.
- The Self-Help Center/Family Law Facilitator – See our information flyer:
 - Contact us: Go to www.scscourt.org then click “**Contact the Self-Help Center**”. Walk-in assistance is limited to emergencies so contact us remotely first.
 - Obtain Forms: Go to www.scscourt.org then click “**Complete Forms at Home**”
 - Form Review: Restraining order requests may be reviewed in person at the Restraining Order Help Center located at 201 N. First Street, San Jose, CA 95113, visit www.scscourt.org for current office hours. If you cannot get to the office in person, you may email your forms as a PDF file to SHCDocReview@scscourt.org. Reviews by email will take longer than in-person reviews.
 - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara
Self-Help Center/Family Law Facilitator's Office
201 N. First Street, San Jose, CA 95113
408-882-2926