

# Response to an Elder/Dependent Adult Abuse Restraining Order Request

<b>Step 1</b>	<p><b>Complete the following forms</b> in blue or black ink:</p> <p><input checked="" type="checkbox"/> EA-120 Response to Request for Elder or Dependent Adult Abuse Restraining Orders</p> <p><input type="checkbox"/> MC-025 Additional page</p>
<b>Step 2</b>	<p><b>Review:</b> Bring your completed forms to the <b>Restraining Order Help Center</b> at 201 North First Street, San Jose to have them reviewed before filing.</p>
<b>Step 3</b>	<p><b>Copies:</b> Make 2 copies in addition to the original.</p>
<b>Step 3</b>	<p><b>File:</b> Turn in your forms and copies to the <b>Calendar Office</b>, Room 104 located at:  <b>191 North First Street, San Jose, CA 95113</b>  They open at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-882-2100</b> for current office hours.  The clerk will keep the original and return your file-stamped copies to you.</p>
<b>Step 4</b>	<p><b>Service:</b> After the filed copies are returned to you:</p> <ul style="list-style-type: none"> <li>• <b>Keep</b> a filed copy for your records</li> <li>• <b>Serve by mail:</b> At least <b>2 calendar days</b> before the court date, have an adult, not you, mail a filed copy of your <i>Response</i> to the other person.</li> </ul> <p>Whoever serves must complete a <i>Proof of Service by Mail</i> form (EA-250) and give it back to you. File the original and a copy of this form at the <b>Clerk's Office</b>. The clerk will stamp the copy and give it back to you.</p>
<b>Step 5</b>	<p><b>What happens next:</b></p> <ul style="list-style-type: none"> <li>• <b>Go to your court hearing</b> to present your side of the case.</li> <li>• <b>Bring 3 copies</b> of your <u>filed</u> <i>Response</i> forms to court with you—one for the other side, one for the Judge and one for you.</li> </ul>

## WHAT IS A RESTRAINING ORDER?

A restraining order is issued to protect a person from someone they claim is physically, emotionally or financially abusing them or threatening to abuse them or when there is a pattern of harassing behavior. When a restraining order is filed, the Judge reads what the requesting party asks for, grants or denies their request for temporary orders and sets a hearing date. These orders are in effect until the hearing. The Judge can make Personal Conduct orders (you cannot call, write, contact or harass the other party) or Stay-Away orders (you must stay a certain distance away from the protected person and specific places). They can also make other orders they think will help keep the protected person(s) safe.

## HOW DO I TELL MY SIDE OF THE STORY?

First, read the orders very carefully and be sure to obey the orders until the hearing. Then, you should file a *Response* so the Judge has your side of the story. If you do not file a *Response*, the Judge will only have the other party's side in writing. Also, if you do not file a *Response*, the Judge may not let you talk in court. If you have a criminal case involving an incident with the other party, talk to your criminal defense attorney before you file your *Response*.

## WHAT IF I DID NOT GET SERVED IN TIME OR WANT TO HIRE AN ATTORNEY?

At the hearing you may ask for a continuance to have more time to hire an attorney and/or file a *Response*. If the other party has an attorney, you can contact their attorney before the hearing date to ask for a continuance. If you and the attorney agree to a continuance, you can both come to the hearing date and tell the Judge. If you do not agree, you will have to ask the Judge for a continuance. If the Judge gives you a continuance, all the orders will usually remain in place until the next hearing date.

## 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](http://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](http://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](http://www.scscourt.org) then click “**Complete Forms at Home**”
  - Form Review: Restraining order forms 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](http://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](mailto: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