

Were You Served with 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"/> EA-120 Response to Request for Elder or Dependent Adult Abuse Restraining Orders <input type="checkbox"/> MC-025 Additional page (<i>only if you need more space to tell your side of the story</i>)
Step 2	<p>Review: Bring your completed forms to the Restraining Order Help Center at 201 N. First Street, San Jose to have them reviewed to make sure they are filled out correctly.</p>
Step 3	<p>Make 4 copies in addition to the original.</p> <ul style="list-style-type: none"> 1 copy – for your records 1 copy – to be served onto the Protected Party 1 copy – to give to the judge at the hearing just in case they don't have your original yet 1 copy – to give to the Protected Party at the hearing in case they didn't get your served copy
Step 3	<p>File: Turn in your forms and copies into the Calendar Office, Room 104 in the Courthouse located at:</p> <p style="text-align: center;">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 clerk will file stamp the copies and return them to you.</p>
Step 4	<p>Service: After the filed copies are returned to you:</p> <ul style="list-style-type: none"> • Keep for your records—1 filed copy • Serve: At least 2 calendar days before the court date serve 1 filed copy of your <i>Response</i> by mail on the other person. "<i>Service by mail</i>" means someone, NOT YOU, who is at least 18 years old must mail the filed copy to the other person. <p>Whoever does the service must complete the attached <i>Proof of Service by Mail</i> (EA-141) and give it back to you. File the original and a copy of this form at the Clerk's Office. The clerk will file stamp the copy and give it back to you.</p>
Step 5	<p>What happens next:</p> <ul style="list-style-type: none"> • Go to your court hearing to present your side of the case. • Bring 3 copies of your <u>filed</u> <i>Response</i> and <i>Proof of Service</i> forms to court with you—one for the other side, one for the Judge and one for you.

Please turn over for important information →

WHAT IS A RESTRAINING ORDER?

A restraining order is issued to protect a person or persons 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 other party (the person who filed) asks for and either grants or denies their request for temporary orders and sets a hearing date. These orders are in effect only until the Court hearing. The Judge can make Personal Conduct orders (you cannot call, write, contact or harass the other party) or Stay-Away orders (you have to 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 that the Judge has your side of the story, whether or not you agree with the other party's statement. 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 also 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 court hearing you may ask for a continuance (a rescheduled hearing) to have more time to hire an attorney and/or write up and 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 then you can both come to court on your 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 order s/he made will usually remain in place until the next hearing date.

HOW CAN I GET MORE INFORMATION?

There are a few ways that you can get more information:

- hire an attorney (**Please note: we cannot help people who have attorneys.**);
- go online to the state's website, (<http://courts.ca.gov/selfhelp>); or Santa Clara County Superior Court's website at www.scscourt.org
- use legal self-help websites and books
- visit our **Restraining Order Help Center** in the courthouse located at the address shown below. Visit www.scscourt.org to learn about the Centers' hours.

Superior Court, County of Santa Clara
Restraining Order Help Center
 201 N. First Street, San Jose, CA 95113

VISIT US ONLINE:

www.scscourt.org
www.courts.ca.gov/selfhelp

EMAIL US:

www.scscourt.org
 click "Self-Help" then click "Contact
 the Self-Help Center"

CALL US:

408-882-2926

Information For You

For the Restrained Person

The following will give you information on what to expect, what you need to do, and how to turn in any firearms and ammunition.

What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. 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 you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse restraining orders.**What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120, *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form [EA-120](#) to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form [EA-250, *Proof of Service of Response by Mail*](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

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.

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 [INT-300, *Request for Interpreter \(Civil\)*](#) or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.



Should I go to the court hearing?

Yes. You should go to court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____
 Person requesting protection for the elder or dependent adult, if different (person named in item 2 of form EA-109):
 Full Name: _____
 Lawyer for person named above (if any for this case):
 Name: _____ State Bar No.: _____

b. Firm Name: _____
 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 e-mail.):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____
 Court file in case number when form is filed.
 Case Number: _____

2 Person You Want Protection From
 Full Name: _____
The court will complete the rest of this form.

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: _____

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, Request for Elder on Dependent Adult Abuse Restraining Orders are (check only one box below):
 (1) All GRANTED until the court hearing.
 (2) All DENIED until the court hearing. (Specify reasons for denial in b, below.)
 (3) Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Advised Council of California, www.courtca.gov
 New January 1, 2012, Mandatory Form
 Website and instructions codes: 9/10/07/05
 Approved by DOJ

Notice of Court Hearing
 (Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected 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 MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, How to Request a Disability Accommodation for Court.

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/EA-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 for this.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon; and
- 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). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Receipt for Firearms and Firearm Parts* (form EA-800) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

How to Safely Turn In Firearms and Ammunition

Important! You must call BEFORE you bring firearms or ammunition to a law enforcement agency. You have 24 hours from the time you received the restraining order or protective order to call. Follow the steps below.

- 1 Call the Santa Clara County Sheriff's Department or the Police Department where you live. Tell them you have a restraining or criminal protective order and you need to turn in your firearm(s) and ammunition.
2 The law enforcement agency will explain where and how to turn in your firearm(s) and ammunition. Some agencies ask you to make two trips: one for the firearm(s) and one for the ammunition. Follow their instructions carefully.
3 Law enforcement may ask for:
- a description of you and your car,
- your ID, and
- your court order.

Here are the non-emergency phone numbers.

- Campbell Police Dept (408) 866-2101, 866-2102
Gilroy Police Dept. (408) 846-0300
Los Altos Police Dept. (650) 947-2779
Los Gatos/Monte Sereno Police Dept.(408) 354-8600
Milpitas Police Dept. (408) 586-2400
Morgan Hill Police Dept. (408) 779-2101
Mountain View Police Dept. (650) 903-6344
Palo Alto Police Dept. (650) 329-2406
San José Police Dept 311 or (408) 277-8900
San José State Univ. Police Dept (408) 924-2185
Santa Clara County Sheriff's Office (408) 808-4400
Santa Clara Police Dept. (408) 615-4700
Stanford Univ. Dept. of Public Safety (650) 723-9633
Sunnyvale Dept. of Public Safety (408) 730-7110

Do not call 911. Call your local police department or the Santa Clara County Sheriff's Office.

Follow these Safety Instructions:

- Your firearm(s) must be unloaded.
Place the firearm in your trunk, and lock your trunk. If you do not have a trunk, lock your firearm in a container and put it in the back of your vehicle out of arm's reach. Do NOT put it in your glove compartment! (Calif.Penal Code§ 12026.1(a))
Drive straight to the law enforcement agency. Do not stop anywhere else.
Park your car where the agency told you to park.
Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, leave the firearm in your car and go inside and ask for instructions.

If you want to have your firearms and ammunition destroyed:

Follow the safety instructions above. The agency will also ask you to sign a paper that gives them permission to destroy your firearm(s) and ammunition.

If your firearms are antiques or collector's items:

When you turn in your firearm(s), tell the agency how they should be stored. Some agencies may not be able to follow your storage instructions.

You have 24 hours to turn in (or sell) your firearms and ammunition.

If the court ordered you to "relinquish" your firearms and ammunition, you have only 24 hours to do so. If you decide to sell them, you must sell them to a federally licensed gun dealer. Look in the Yellow Pages or online under "Firearms Dealers." Be sure that the firearm dealer is federally licensed.

Questions About Safely Turning In Firearms and Ammunition

This information will answer your questions about turning in firearms.
If you have other questions, call your local police department. (*See other side.*)

What is a firearm?

Firearms include:

- handguns and pistols,
- rifles and shotguns,
- black powder firearms and muzzle-loading firearms,
- assault weapons, and
- *any* weapon that sends a projectile through a barrel and the weapon's frame or receiver.

How do I turn in my firearms and ammunition?

You have 2 options:

- You can call your local police department or the Santa Clara County Sheriff's Office and ask for instructions, or
- You can sell them to a *federally licensed* gun dealer. Look in the Yellow Pages or online under "Firearms Dealers."

How long do I have to turn in my firearms and ammunition?

If the court ordered you to "relinquish" your firearms and ammunition, you only have **24 hours** from the time that you received the restraining order or criminal protective order.

What if I was ordered to turn in firearms and ammunition on a weekend, can I get more than 24 hours?

No. You only have 24 hours. Law enforcement is available 24/7. See other side for instructions.

Can I turn in my firearms and ammunition now, and sell them later?

Yes. You can have one sale of the firearms and ammunition. You must use a federally licensed gun dealer for the sale. The gun dealer will give the law enforcement agency a bill of sale for the firearms and/or ammunition. If the paperwork is correct, the law enforcement agency will turn over the guns and/or ammunition to the gun dealer.

What happens if my firearms have not been registered?

It depends. Not all firearms have to be registered. But, if you did not register a weapon that had to be registered, you may have committed a crime. Talk to a lawyer as soon as possible.

How long will law enforcement keep my firearms and ammunition?

Usually they keep the firearms and ammunition until your restraining or protective order ends. If they cannot keep them for the whole period, they will let you know in writing so you can make other arrangements.

Do I have to pay law enforcement to keep my firearms and ammunition?

Maybe. Each agency has its own policy. They will tell you about any fees when you turn them in. They will also let you know in writing if their fees change.

Can a law enforcement officer take my firearms and ammunition from me?

Yes. If you are involved in domestic violence, the officer can take away your firearms and ammunition. (*Calif. Family Code, § 6389(c)(2)*)

Can I get my firearms back from law enforcement after the court order ends?

Yes, *if* you are legally allowed to have a firearm. Fill out a Law Enforcement Gun Release (LEGR) Application and send it to the California Department of Justice. You can get the application at: <http://ag.ca.gov/firearms/forms>. You will also have to pay a fee (\$20 for the first firearm and \$3 for each additional firearm).

The Department of Justice will send you a notice within 4-6 weeks to tell you if you are eligible to possess a weapon again. If you are eligible, take that notice to the law enforcement agency where your firearm(s) and ammunition are stored within 30 days of the date on the notice. If you wait more than 30 days, you will have to submit another application.

Where can I get more information?

You can:

- Call your local law enforcement agency, or
- Read the law (*Calif. Penal Code §§ 12001 and 6389*).
- Contact an attorney.

BLANKS

EA Response

Please complete the following forms in blue or black ink.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Request (form EA-100)

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use form EA-250, Proof of Service of Response by Mail.)

① Elder or Dependent Adult Seeking Protection

Name: _____

Name of person asking for the protection, if different (This is the person named in item ③ of the request (form EA-100).)

Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 191 North First Street
Mail: 191 North First Street
San Jose, CA 95113
Downtown Superior Courthouse

② Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: **Self-Represented** State Bar No.: _____

Firm Name: **Self-Represented**

Court fills in case number when form is filed.

Case Number: _____

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: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item ③, here:

Hearing Date → Date: _____ Time: _____
 Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item ⑭ on page 4.)
- c. I agree to the following orders (specify below or in item ⑭ on page 4):

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item ⑭ on page 4.)
- c. I agree to the following orders (specify below or in item ⑭ on page 4):



5 **Move-Out Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item ⑭ on page 4.)*
- c. I agree to the following orders *(specify below or in item ⑭ on page 4):*

6 **Additional Protected Persons**

- a. I agree that the persons listed in item ⑥ of form EA-100 may be protected by the order requested.
- b. I do not agree that the persons listed in item ⑥ of form EA-100 may be protected by the order requested.

7 **Order for Counseling or Anger Management Courses**

i This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item ⑭ on page 4.)*
- c. I agree to the following orders *(specify below or in item ⑭ on page 4):*

8 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. 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). (See item ⑧ of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt is attached. has already been filed with the court.



9 **Debts Caused by Financial Abuse**

- a. I agree to the findings requested.
- b. I do not agree to the findings requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following findings *(specify below or in item 14 on page 4):*

10 **Possession and Protection of Animals**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following orders *(specify below or in item 14 on page 4):*

11 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c. I agree to the following orders *(specify below or in item 14 on page 4):*

12 **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 14.)*

13 **Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons *(explain)*:

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 13–Justification or Excuse" as a title. You may use form MC-025, Attachment.



14 **Reasons I Do Not Agree to the Requests**

Explain your answers to each order or finding requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

15 **Lawyer's Fees and Costs**

a. I ask the court to order payment of my lawyer's fees court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 15—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

b. I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.

16 Number of pages attached to this form, if any: _____

Date: **Self-Represented** _____

Self-Represented

Lawyer's name (if any)

Self-Represented

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: _____

Type or print your name

Sign your name

SHORT TITLE:

CASE NUMBER:

ATTACHMENT 10 - JUSTIFICATION OR EXCUSE

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20 horizontal lines for text entry.

(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

This page may be used with any Judicial Council form or any other paper filed with the court.

Page _____

Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 191 N. First St., S.J., CA
Mail: 191 N. First St., S.J. CA 95113
Downtown Superior Courthouse

Court fills in case number when form is filed.

Case Number:
[Empty box for case number]

1 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one 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: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and 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)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 4 or 5. For more information on how to properly turn in your items, read form EA-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 2.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in 2. You may attach a separate form from your agency (e.g., a property report), use item 6, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item 6.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent: _____



5 To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items *(List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*

Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑥.)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ Signature of licensed gun dealer _____

6 List of Items Surrendered

Firearms and firearm parts	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “EA-800, item 6” at the top, and attach it to this form.



7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below):

a. I filed a *Receipt for Firearms and Firearm Parts* (form EA-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

Proof of Service

The next form is a *Proof of Service by Mail* form—DO NOT FILL IT OUT. It is for your server to fill out after they serve the other side by mail with a copy of your filed forms.

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult Seeking Protection

Full Name: _____

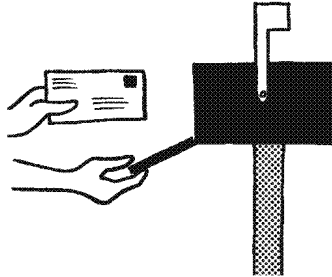
2 Person From Whom Protection Is Sought

Your Full Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥ of form EA-100 or in items ①, ②, ③ or ④ on form EA-300.
- Mail a copy of all documents checked in ④ to the person in ①.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 191 North First Street
Mail: 191 North First Street
San Jose, CA 95113
Downtown Superior Courthouse

Court fills in case number when form is filed.

Case Number: _____**4 PROOF OF SERVICE BY MAIL**

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
 b. Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
 c. Other (specify): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): _____
 b. To this address: _____
 City: _____ State: _____ Zip: _____
 c. On (date) _____ Mailed from (city): _____ State: _____

6 Server's Information

Name: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____



Server to sign here

Type or print server's name