

INSTRUCTIONS
RESTRAINING ORDERS – ELDER ABUSE

Department 57
725 Court Street, Room 102, Martinez

1. To have your Elder Abuse Restraining Order request considered, please take your **completed** paperwork to Department 57, Room 102, during the ex parte hours of **1:00 p.m. and 2:00 p.m.**

Elder Abuse Restraining Order requests **are only reviewed and signed during these specific hours.**

COMPLETE THE FOLLOWING ATTACHED FORMS:

- Request for Orders to Stop Elder or Dependent Adult Abuse (EA-100)
- Temporary Restraining Order (EA-110)
- Notice of Hearing (EA-109) ***Top portion only***

AFTER YOUR APPLICATION HAS BEEN SIGNED YOU MUST:

1. Take your signed papers to the Clerk's Office, Room 103, to have the paperwork filed immediately afterward.
2. You must now have the defendant served. Anyone over the age of 18, who is NOT a party to the action, may serve the defendant. The defendant must be personally served with a copy of the Request for Orders to Stop Elder or Dependent Adult Abuse (EA-100) and the Notice of Hearing (EA-109) and Temporary Restraining Order (EA-110) at least five (5) days before the hearing date, unless the court orders a shorter period.
3. You, or anyone else, must deliver the Notice of Hearing (EA-109) and Temporary Restraining Order (EA-110) to the police agencies listed in the Order. Do not give the police a copy of the Petition, just the Notice of Hearing and Temporary Restraining Order.
4. After the defendant has been served with the papers, the person who served the paper **MUST** complete the Proof of Personal Service (EA-200). Please pay particular attention to this form. If it is not correctly filled out, the court cannot proceed on the hearing date. Make sure the person who serves the defendant enters the date, prints his/her name **AND** signs his/her name at the bottom of the form.
5. The Proof of Personal Service **MUST** be filed prior to the court date (Clerk's office, Room 103). Do not mail it in. If you cannot file the Proof of Service before the court date, bring it with you to the hearing. **The Court CANNOT PROCEED WITHOUT THIS DOCUMENT.**
6. Between now and the hearing date, read all the instructions in the packet of forms. You are responsible for filling out the Order After Hearing (EA-130) that is included in the packet. That document is the final Order (what you have now is a temporary order which will expire on the date of the hearing). Complete the Order prior to the hearing so that it may be signed immediately.