

A close-up, high-contrast photograph of a person's face, focusing on the eye and cheek area. A single tear is visible on the cheek. The image has a somber and emotional tone, serving as a background for the text.

Is Someone Being Abused? Laws, Tools and Resources

October 25, 2023

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Disclaimer

The following is
information only:
not a substitute
for legal advice

WE are discussing
California state
law

BEFORE WE BEGIN

- If you are in danger NOW:
call OR TEXT 911
- National Domestic Violence
Hotline: 1-800-799-SAFE (7233)
- Los Angeles County Domestic
Violence Hotline 1-800-978-
3600



Department of Public Social Services

dpss.lacounty.gov/en/jobs/gain/sss/domestic-violence.html

Domestic Violence

We can help you!

The following are services to help you end the abuse in your life and the lives of your family:

- Individual group counseling;
- Financial planning;
- Safety planning;
- Temporary confidential emergency shelter, food, and clothing;
- Help with protective orders;
- Legal help;
- Referrals to health care;
- Immigration help;
- Household establishment skills education;
- Independent living skills; and/or
- Parenting education
- [Domestic Violence Shelters and Provider Resources](#)

Just let your CalWORKs Eligibility or GAIN Services Worker know that you need help.

If you are a victim of domestic violence and you are not a citizen (undocumented or have a temporary status) but have children, you may be eligible to apply for immigration status for yourself and children confidentially under the [Violence Against Women Act \(VAWA\)](#).

- **LA County Battered Women's Shelters and Walk-In Centers:**

- <https://dpss.lacounty.gov/en/jobs/gain/sss/domestic-violence/shelters.html>

DO you need to clear your browsing history after searching?



If you feel you are being abused or neglected

Help is available. If you can safely talk to someone about the abuse, such as your physician, a trusted friend, or a member of the clergy, who can remove you from the situation or find help for the abuser, do so at once. Your physician has a legal obligation to report the abuser and help you find safety.



What We'll Cover

1. The Basics

2. Domestic Violence Restraining Orders

3. Civil Harassment Restraining Orders

4. Elder Abuse Restraining Orders

The general process in a nutshell:

Temporary restraining orders (TRO) can be granted on an ex parte basis (i.e., before the other side is served with notice of the action) if the applicants provides evidence (usually a declaration signed under oath) that warrants the relief

If a TRO granted, the order only lasts until the hearing on the matter – so the court can hear evidence from both sides (and if one doesn't appear, they may lose their chance to tell their story)

If the court finds the applicant met the burden of proof, the court will issue an order for a longer period (up to 5 years, and eligible for renewals)

FAQ:

Yes, you will have to appear at the restraining order hearing, even if you are afraid of your abuser.

Some courts allow “appearance” by video – call the clerk of the court to find out

If you must appear in person, bring someone support with you

There is security at the court house

The process is form-based. CA and **local rules** and procedures apply.

The Judicial Council and local superior court websites have helpful information

- <https://www.courts.ca.gov/forms.htm>
- <https://www.lacourt.org/forms/all>

Courts.ca.gov Self-Help Guides

Go to



How-to instructions for Civil Harassment

Go to



Civil Harassment Form Packets

Go to



How-to instructions for Domestic Violence

Go to



Domestic Violence Form Packets

Go to



[How-to instructions for Elder Abuse](#)

Go to



Elder Abuse Form Packets

Go to



How-to instructions for Juvenile

Go to



Juvenile Form Packets



Was this helpful?



What is CLETS?

California Law Enforcement Telecommunicati ons System

- In addition to the forms required to request a restraining order, sometimes a CLETS may be required.
- CLETS is a computer network giving police departments access to national databases maintained by the Federal Bureau of Investigation (FBI), the California Department of Motor Vehicles (DMV), and others.
- The system also allows law enforcement agencies to deliver messages to one another, to help enforce the restraining order.
- The form must be kept confidential.

CLETS Information Sheet:

CLETS-001

CONFIDENTIAL
CLETS Information

**California Law Enforcement Telecommunications System (CLETS)
Information Form**

- ☐ This form is submitted with the initial filing (date): _____
- ☐ This is an amended form (date): _____

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): _____

① **Person to Be Protected** (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Mailing Address (listed on restraining order): _____

City: _____ State: _____ Zip: _____ Telephone (optional): _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

② **Person to Be Restrained** (Name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

Types of restraining orders in CA

Domestic Violence Restraining Order (DVRO)

- A close family relationship or is or was an intimate (e.g., they live or have lived together; have a child together; or closely related by blood or marriage)
- Can also implicate move-out order; custody; support

Elder Law Restraining Orders

- When the person being abused is over 60 years of age or disabled
- Can require abuse to move out

Civil Harassment (CHRO)

- Protects people who do not have the relationships above

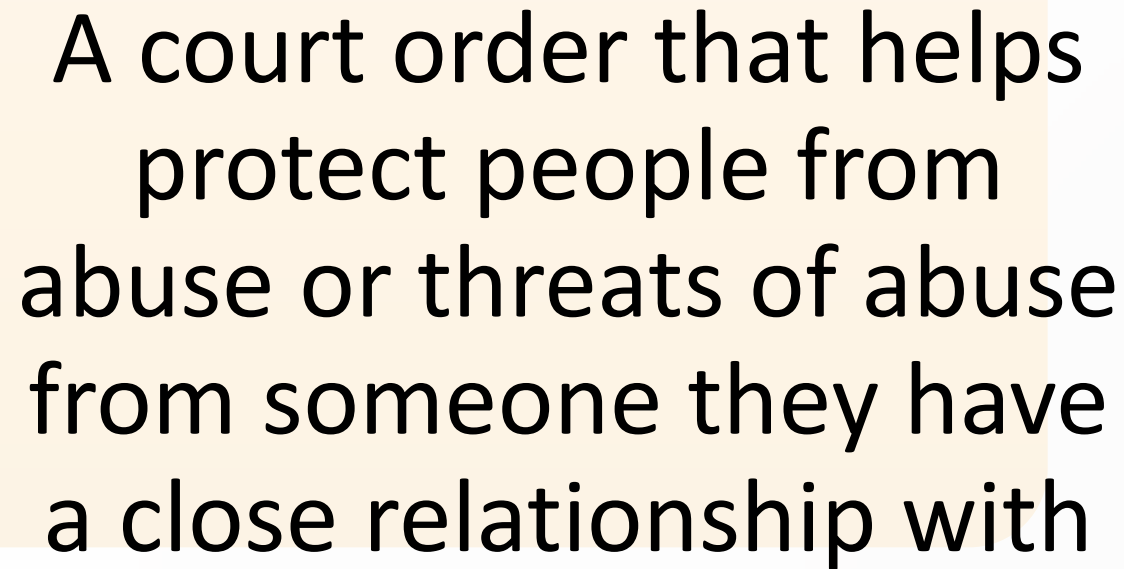
Workplace violence restraining order

- Protects people who do not have the relationships above; an employer can seek this order on behalf of an employee

2. Domestic Violence Restraining Orders



What is a Domestic Violence Restraining Order (“DVRO”)?



A court order that helps protect people from abuse or threats of abuse from someone they have a close relationship with

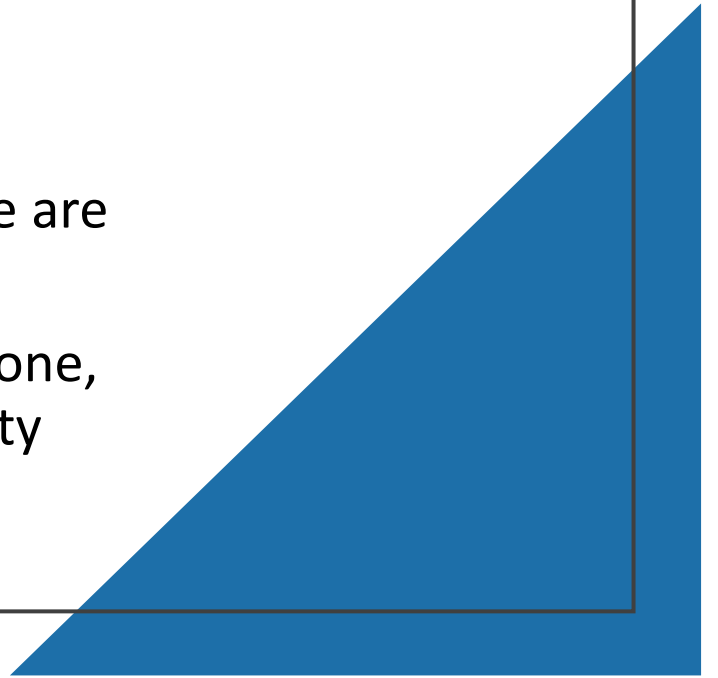
The problem: domestic violence

- **CDC: 1 in 4 women (1 in 10 men) have experienced intimate partner violence, sexual violence, and/or stalking by an intimate partner**



How does the law define “abuse”?

- Physically hurting or trying to hurt someone, intentionally, or recklessly;
- Sexual assault;
- Making someone reasonably afraid that they or someone else are about to be seriously hurt; OR
- Behavior like harassing, stalking, threatening, or hitting someone, disturbing someone’s peace, or destroying someone’s property



Domestic violence Laws in California

- Family Code
- California Penal Code
 - Section 273.5
 - a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony
 - Section 243(e)(1)
 - Battery

Who can ask for a DV Restraining Order?

- **A person has abused (or threatened to abuse) you; AND**
- **You have a close relationship with that person**
 - Married or registered domestic partners
 - Divorced or separated
 - Dating or used to date
 - Living together or used to live together (not roommates)
 - Parents of a child, OR
 - Closely related (parent, child, brother, sister, grandmother, grandfather, in-law)



Who can ask for a DV Restraining Order?

- A parent can file on behalf of a child to protect their child and other family members.
- Children over 12 can file an order on their own

A Restraining Order CAN ALSO order a restrained person to:

- Stay away from your pets
- Pay bills/ rights of cell phone
- Not make changes/expenses (if married)
- Return property
- Complete 52 week batterer intervention

A DV Restraining Order CAN order a restrained person to:

Not contact you/go near you

Stay away from you

Move out

Not have a gun

Follow visitation/custody orders

Pay support (child and spousal)



Having a restraining order against you....


May appear on
background checks

May impact ability to
get or keep certain
jobs (e.g., security
guard, police officer,
etc.)

A restraining order CANNOT:

*** End marriage**

*** Establish paternity UNLESS you agree to parentage and agree to court entering a judgment about parentage (Form DV-180)**



Violations of restraining orders?

Go to jail, pay a fine, or both

May have to move

May affect ability to see children

**May affect immigration status –
consult with immigration attorney**

Types of Domestic Violence Restraining Orders

-
- **Emergency Protective Order (EPO)**
 - Sought by law enforcement
 - 24 hours
 - Lasts up to 7 days – enough time to file TRO
 - **Temporary Restraining Order (TRO)**
 - Sought by individual
 - 20-25 days, until hearing date
 - **“Permanent” Restraining Order**
 - Last up to 5 years
 - Can ask for new order after 5 years

Restraining Order Process

1. File forms at courthouse or online ("DVRO") - no fee!
2. Judge decides by next day at the latest based on papers
3. if granted, a "temporary" order (TRO) will be issued until court date
4. Serve other person with a copy of all papers; file proof of service with court
5. Other person has a right to file an answer
6. Hearing where both have opportunity to be heard
7. Judge decides to continue or cancel TRO. If “permanent” may last 5 years
8. If other orders (custody/support) will have different end dates

DV Restraining Order Forms

<https://www.courts.ca.gov/1264.htm>

- CLETS Information (Form CLETS-oo1)
- Request for Domestic Violence Restraining Order (Form DV-100)
- Notice of Court Hearing (Form DV-109)
- Temporary Restraining Order (Form DV-110)



DV Restraining Order Forms

<https://www.courts.ca.gov/1264.htm>

If you need more space, use these forms:

- Description of Abuse (Form DV-101)
- Additional Page (Form MC-020)



If you need to change custody


LOOK AT ITEM 12 on your DV 100 form

- Request for Child Custody and Visitation Orders (Form DV-105)
- Attach this form to the Request for DV Restraining Order
- Child Custody and Visitation Order (Form DV-140)
 - Attach to TRO form
- If applies – No Travel With Children (Form DV-108)


Asking for financial Support

- ITEM 13 on DV-100
- Income and Expense Declaration (FL-150)
- Financial Statement (FL-155)
- Attach these to DV-100





Make (5) copies of forms

- ORIGINAL GOES TO JUDGE
 - One copy for you
 - One copy for the person you want protection from
 - Extra copies for other protected people or in a safe place
-
- NOTE – If you do not feel safe using address, use “Safe at Home” program
- 

DV-100**Request for Domestic
Violence Restraining Order****Instructions**

To ask for a domestic violence restraining order, you will need to complete this form and other forms (see page 12 for list of forms). If this case includes sensitive information about a minor child (under 18 years old), see [form DV-160-INFO](#), *Privacy Protection For a Minor (Person Under 18 Years Old) Domestic Violence Prevention* for more information on how to protect the child's information.

1 Person Asking for Protectiona. **Your name:** _____b. **Your age:** _____c. **! Address where you can receive court papers**

(This address will be used by the court and by the person in ② to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

*Clerk stamps date here when form is filed.**Fill in court name and street address:***Superior Court of California, County of***Court fills in case number when form is filed.***Case Number:** _____

DV-100 S**Solicitud de orden de restricción
de violencia en el hogar**

También tiene que llenar el formulario CLETS-001, Información confidencial de CLETS, y entregárselo al secretario cuando presente esta Solicitud.

1**Nombre de la persona que solicita protección:*****Solo para información***

Edad: _____

Su abogado en este caso (*si tiene uno*):

Nombre: _____ No. del Colegio de Abogados: _____

Nombre de la firma: _____

Dirección (*Si tiene un abogado para este caso, ponga la información de su abogado. Si no tiene un abogado y quiere mantener privada la dirección de su casa, ponga una dirección postal distinta. No es necesario que dé su teléfono, fax o email.*):

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Teléfono: _____ Fax: _____

Dirección de email: _____

2**Nombre de la persona de la que desea protección:**

Descripción de la persona de quien se quiere proteger:

Sexo: ☐ M ☐ F Estatura: _____ Peso: _____ Color del cabello: _____ Color de ojos: _____

Raza: _____ Edad: _____ Fecha de nacimiento: _____

Dirección (*si la sabe*): _____

Ciudad: _____ Estado: _____ Código postal: _____

El secretario pone un sello de la fecha aquí cuando se presenta el formulario.

***Solo para
información******No entregue
a la corte***

Ponga el nombre y dirección de la corte:

Corte superior de California, condado de

La corte pone el número de caso cuando se presente el formulario.

Número de caso:***No entregue a la corte***

Lots of helpful forms on LA County Superior Court website (<https://www.lacourt.org/forms/all>)

Request for CH Packet	FAM077	11/22	NO	
Request for Default Setting (Domestic Relations and Branch District Civil Actions)	FAM031	10/18	YES	
Required Forms to be Attached to Temporary Restraining Order Packets	FAM219	5/23	NO	
Information – How to Safely Turn in Firearms, Firearm Parts and Ammunition	FAM220	11/22	NO	
Request for Elder or Dependent Adult Restraining Order Allowing Contact Forms Packet	FAM221	1/23	YES	
Instructions Request for DVRO Packet with Children	FAM033	2/23	NO	
Request for Domestic Violence Restraining Order (Without Children) Forms Packet Cover Sheet	FAM032	08/22	NO	
Request for Elder or Dependent Adult Abuse Restraining Order Forms Packet Cover Sheet	FAM195	08/22	NO	

What if I don't qualify for a DV restraining order?

- Civil harassment RO – roommates, neighbors, coworkers, distant family
- Elder or dependent adult abuse RO – 65 or older or dependent adult
- Workplace violence RO – filed by employer to protect an employee



2. Civil Harassment Restraining Orders (C.C.P. section 527.6)

What is Civil Harassment?

Abuse, threats of abuse, stalking, sexual assault, serious harassment

A light orange arrow pointing downwards from the first box to the second box.

By someone you have not dated and do not have a close relationship with

A light orange arrow pointing downwards from the second box to the third box.

e.g., neighbors, friend, more distant family (cousins, aunt, uncle)

What do you need to prove?

The law (C.C.P § 527.6) defines harassment as follows:

- unlawful violence, **or**
- a credible threat of violence, **or**
- a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose.
 - The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, **and**
 - must actually cause substantial emotional distress to the petitioner.

What to bring to the restraining order hearing

-
- Your evidence
 - Text messages
 - Photographs
 - Letters
 - Emails
 - Medical records if applicable
 - Video
 - Witnesses
 - Anything else that tends to prove that you have been injured or that you are reasonably afraid

Forms for a Civil Harassment Restraining Order

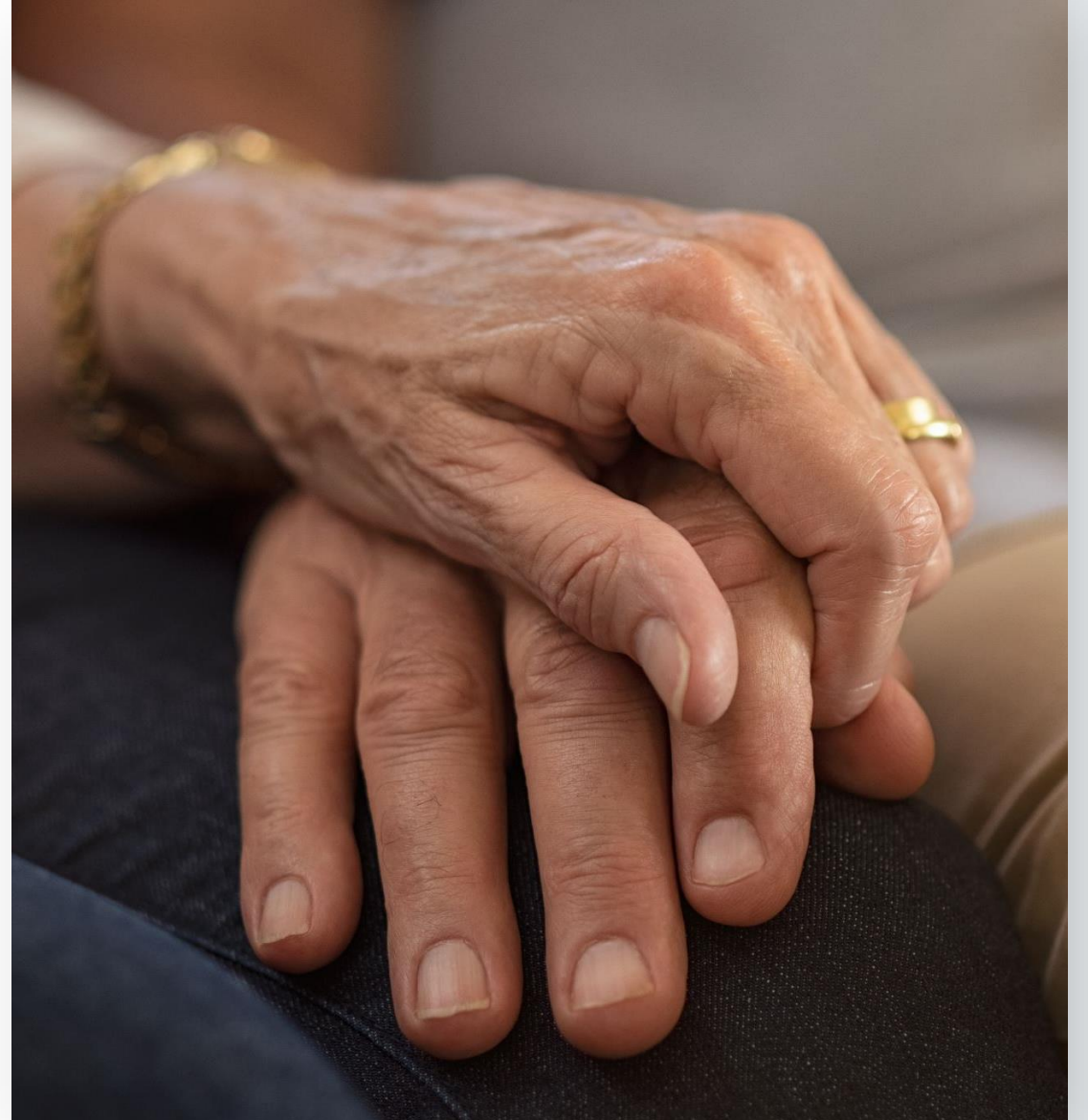
- Request for Civil Harassment Restraining Orders ([Form CH-100](#));
- Confidential CLETS Information ([Form CLETS-001](#));
- Items 1 and 2 on Notice of Court Hearing ([Form CH-109](#));
- Items 1, 2 and 3 on Temporary Restraining Order (CLETS - TCH) ([Form CH-110](#));
- Civil Case cover Sheet ([Form CM-010](#)) (ask the court clerk if you need this for your court — you may not need it);
- Additional Page ([Form MC-020](#)) if you need more space to describe why you need the restraining order; and
- Declaration ([Form MC-030](#)) or Attached Declaration ([Form MC-031](#)) for any statements of witnesses that will support your side of the story.

Potential alternative to civil harassment restraining order/ negotiated agreement

- Mutual Stay Away Order: a contract where you each agree to stay away from each other (can include social media), with money damages or other remedies for a violation
- An attorney can be helpful, but not essential
- On your court date, the judge may ask parties to attempt to settle before having your case heard
- LA County Dispute Resolution Program may be able to provide you with a neutral mediator or facilitator:
<https://dcba.lacounty.gov/countywidedrp/>

3.

Elder Abuse
Restraining Orders:
One of the tools to
protect our elders



Elder abuse is a serious problem in the US!

- Abuse – including neglect and exploitation – is experienced by about 1 in 10 people aged 60 and older who live at home.
- Victims may be unable or too afraid to report to the police, friends, or family. The abuser might be someone they depend upon or care for deeply.
- More than 643,000 older adults were treated in the emergency department for nonfatal assaults, and over 19,000 homicides occurred.* (*2002-2016)
- These statistics are low: it doesn't count injuries treated in other settings or those that are never treated.





If you suspect someone you know is being abused or neglected

- Don't let fear stop you from reporting your suspicions. Try and talk with the older adult when the two of you are alone. You could tell them that you think something might be wrong and that you're worried and offer to take them to get help.
- Don't put the older adult in a more vulnerable position by confronting the abuser yourself unless you have their permission and are able to help the person experiencing abuse immediately by moving them to a safe place.



What is Elder Abuse ?



Elder abuse is an intentional act or failure to act that causes or creates a risk of harm to an older adult. The abuse occurs at the hands of a caregiver or a person the elder trusts.

Who is an “elder” for purposes of legal protections?

- To qualify for an elder abuse restraining order under [Welf & I C §15657.03](#), an abused elder must be 65 years of age or older, or be a "dependent adult" as defined by [Welf & I C §15610.23](#) of EADACPA.
- If the elder is not yet 65 and does not qualify for relief as a dependent adult, relief must be sought under the domestic violence statute or [CCP §527.6](#) (civil restraining order process)



Physical abuse

- Illness, pain, injury, functional impairment, distress, or death as a result of the intentional use of physical force and includes acts such as hitting, kicking, pushing, slapping, and burning.
- It can range from slapping or shoving to severe beatings and restraining with ropes or chains. When a caregiver or other person uses enough force to cause unnecessary pain or injury, even if the reason is to help the older person, the behavior can be considered abusive.
- It also includes the inappropriate use of medications and physical restraints and physical punishment of any kind.

Sexual abuse

- Forced or unwanted sexual interaction of any kind with an older adult
- Non-contact acts such as sexual harassment.
- Inappropriate touching, photographing the older adult in suggestive poses, forcing the person to look at pornography, and any unwanted sexualized behavior.

Emotional or Psychological Abuse

- Verbal or nonverbal behaviors that inflict anguish, mental pain, fear, or distress on an older adult. Examples:
 - Yelling, swearing, threatening, insulting, humiliation or disrespect
 - Repeatedly ignoring the older person
 - verbal and non-verbal threats
 - harassment
 - geographic or interpersonal isolation.
- Psychological abuse involves any type of coercive or threatening behavior that sets up a power differential between the older adult and his or her family member or caregiver. It can also include treating the older person like a child and isolating the person from family, friends, and regular activities.

Neglect

The failure to meet an older adult's basic needs, including food, water, shelter, clothing, hygiene, and essential medical care.

Caregiver neglect, which can be intentional or unintentional, and involves intentionally failing to meet the physical, social, or emotional needs of the older person. Neglect can include failure to provide food, water, clothing, medications, and assistance with activities of daily living or help with personal hygiene.

Self-neglect, characterized as the failure of a person to perform essential, self-care tasks and that such failure threatens his/her own health or safety.

Financial Abuse

- The illegal, unauthorized, or improper use of an elder's money, benefits, belongings, property, or assets for the benefit of someone other than the older adult.
- Financial abuse and exploitation can range from misuse of an older person's funds to embezzlement.
- Examples: forging checks, taking someone else's retirement or Social Security benefits, or using a person's credit cards and bank accounts without their permission.
- It also includes changing names on a will, bank account, life insurance policy, or title to a house without permission.



Adult Protective Services (APS)

- It is not your role to verify that abuse is occurring, only to alert others of your suspicions.
- Each County has an APS agency to help elder adults (60+ years) and dependent adults (18-59 who are disabled), when they are unable to meet their own needs, or are victims of abuse, neglect or exploitation. APS investigates reports of abuse in private homes, apartments, hotels or hospitals, or who are, or soon will be, experiencing homelessness.
- To report abuse, call 1-833-401-0832 and enter your 5-digit zip code to connect to APS in your county, 7 days a week, 24 hours a day. Abuse reports may also be made to your local law enforcement agency.

What help can APS provide?

1. Responding to reports of known or suspected abuse or neglect
 2. Conducting an investigation, and
 3. Arranging for the delivery of services from available community agencies.
- APS's goal is to create a stable environment where the individual can safely function without requiring on-going intervention. APS is not meant to interfere with lifestyle choices of elders or dependent adults, nor to protect those individuals from the consequences of their choices.
 - An elder or dependent adult who has been abused may refuse or withdraw consent at any time to preventive and remedial services offered by an APS agency.
 - However, APS is required to conduct an investigation when there is an allegation that a *crime* has been committed, regardless of whether the elder or dependent adult wants the investigation to go forward or not.

Benefits to Reporting Abuse

- The elder or dependent adult will be given options to keep him/her safe from harm
- The APS worker can link the client, family to needed community resources
- Unaware family members and friends can be alerted to step in to help
- The APS worker can find ways to help the caregiver handle stress
- In some cases, the abuse perpetrator can be prosecuted, lessening the harm to others
- The individual making the report feels relief that a professional is assessing the situation

Please note that, due to confidentiality laws, APS cannot tell the person reporting the abuse the results of their investigation.



Elder Law Restraining Orders are important tools!

Elder Abuse and Dependent Adult Civil Protection Act (EADACP)

- Nursing home abuse
- Residential Care Facilities
- Financial Abuse
 - Predatory and unfair business practices
 - Mortgage loan brokers
 - Home equity lenders
- Money damages
- Punitive Damages
- Pain and suffering
- Attorney's fees

What a protective order can prohibit:

- abuse, intimidation, molestation, attacking, striking, stalking, threats, sexual assault, battery, harassment, telephoning, destroying personal property, contacting (directly or indirectly, by mail or otherwise), or coming within a specified distance of, or disturbing the peace of, the petitioner, and, in the discretion of the court, on a showing of good cause, of other named family or household members or a conservator, if any, of the petitioner.
- [Welf & I C §15657.03\(b\)\(4\)\(A\).](#)

No “special relationship” required for restraining order for elder abuse

- No special relationship is required to seek an elder abuse restraining order if the abuse suffered was **physical abuse; isolation; abduction; other treatment resulting in physical harm, pain, or mental suffering; or financial abuse**. See [Welf & I C §15610.07\(a\)\(1\), \(3\); *Darrin v Miller* \(2019\) 32 CA5th 450, 456](#) (standing to seek elder abuse restraining order based on "other treatment with resulting physical harm or pain or mental suffering" does not require special relationship, such as caretaking or custodial relationship, between elder and alleged abuser).

Exception:

- For an elder abuse restraining order based on "neglect" or "abandonment," that would require a showing of a special relationship, since these forms of abuse describe behavior by a person "having the care or custody of" the elder or dependent adult.
- Similarly, "deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering" requires that the alleged abuser be a "care custodian" of the elder or dependent adult. [Welf & I C §§15610.07\(a\)\(2\), 15610.17.](#)

Types of elder abuse restraining orders

- **Emergency protective order (EPO)** – only on the request of a law enforcement officer who reasonably believe a person is in immediate and present danger of domestic violence, abuse of an elder or dependent adult or stalking.



Emergency Protective Order sample

EPO-001

ONE copy to court, ONE copy to restrained person, ONE copy to protected person, ONE copy to issuing agency

LAW ENFORCEMENT CASE NUMBER:

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

1. PROTECTED PERSONS (insert names of all persons protected by this Order):

2. RESTRAINED PERSON (name): Gender: ☐ M ☐ F ☐ X
Ht.: Wt.: Hair color: Eye color: Race: Age: Date of birth:

3. TO THE RESTRAINED PERSON:

a. ☐ YOU MUST NOT harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property of, keep under surveillance, impersonate, block movements of, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace of (including coercive control), any person named in item 1.

b. ☐ YOU MUST NOT contact, either directly or indirectly, by any means, including but not limited to by telephone, mail, e-mail or other electronic means, any person named in item 1.

c. ☐ YOU MUST ☐ stay away at least: yards from each person named in item 1.
☐ stay away at least: yards from ☐ move out immediately from:
(address):

d. YOU MUST NOT take any action, directly or through others, to obtain the addresses or locations of any person named in item 1.

e. YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm (gun), firearm parts (receiver, frame, or unfinished receiver or frame (Penal Code section 16531)), or ammunition. You must immediately surrender these items if asked by law enforcement. If not asked by law enforcement to surrender immediately, you must turn them in to a law enforcement agency or sell them to, or store them with, a licensed gun dealer within 24 hours of receiving this order.

4. ☐ (Name): is given temporary care and control of the following minor children of the parties (names and ages):

5. Order Expires on (date): at (time): EXPIRES ON THE 5TH COURT DAY OR 7TH CALENDAR DAY, WHICHEVER IS EARLIER. DO NOT COUNT THE DAY THE ORDER IS GRANTED.

6. To Person in 1: To ask for a longer restraining order, ask for help at your local court. If there is an open juvenile case, file in that case. (Name and address of court):

7. Reasonable grounds for the issuance of this Order exist, and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

8. Judicial officer (name): granted this Order on (date): at (time):

APPLICATION

9. The events that caused the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (except solely financial abuse), or stalking are (give facts and dates; specify weapons):

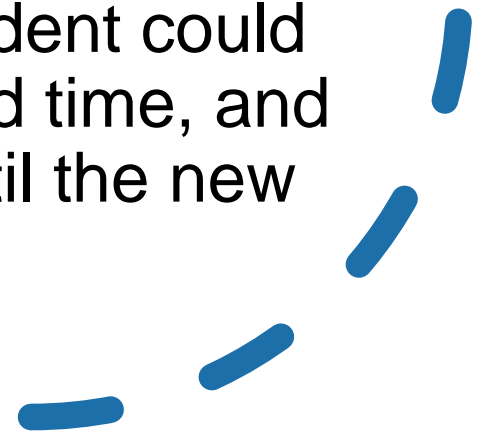
10. ☐ Firearms or ammunition were (check all that apply): ☐ observed ☐ reported ☐ physically searched for ☐ seized

11. ☐ The persons in 1 and 2 live together. The person in 1 asks that the person in 2 immediately move out from the address in item 3c

☐ The person in 1 has minor children in common with the person in 2, and a temporary custody order is requested because of

Temporary Restraining Order (TRO)

- The first form of protective order that can, and generally will, be requested by or on behalf of the abused elder is an ex parte temporary restraining order (TRO) pending a noticed hearing. The TRO may remain in effect for up to 21 days, or, if good cause appears to the court, 25 days from the date the TRO is granted.
- The TRO expires on the date of the hearing. The hearing may be continued and the TRO extended if the respondent could not be served within the required time, and the TRO will remain in effect until the new hearing date.



Restraining order after hearing.

- The court may issue protective orders for up to 5 years, subject to termination or modification by further court order. The protective orders in an elder abuse or domestic violence restraining order may be renewed on the request of a party, either for 5 or more years, or permanently, at the discretion of the court, without a showing of further abuse, subject to termination, renewal, or modification by further court order.
- (Compare: civil harassment restraining orders may be renewed for a duration of *not more than 5 additional years*, without a showing of any further harassment, subject to termination or modification by further court order. [CCP §527.6\(j\)\(1\).](#))

<https://www.lacourt.org/forms/pdf/FAM221.pdf>



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
FAMILY LAW DEPARTMENT

**REQUEST FOR ELDER OR DEPENDENT ADULT RESTRAINING ORDER ALLOWING CONTACT
FORMS PACKET**

This packet of forms is provided as a courtesy only. For information on which forms to use and what to include on them, you should refer to the Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me? Information Sheet (EA-300-INFO), seek legal advice or consult an attorney. The forms listed below are for the first steps in obtaining a restraining order. Additional forms may be necessary to complete the process. The other party must be served with copies of your completed forms and blank forms for responding after you have filed the originals with the court and before you continue to the next step. If you prefer to use an online guided interview to help you complete these forms, go to: https://california.tylerhost.net/SRL/SRL/Start?legalProcessKey=Restraining_Order_Triage. If you have any questions about the process, need samples, or a list of local non-profit, low-cost, or free legal and referral services, please go to the nearest Self-Help Center. For further information online go to: <https://www.courts.ca.gov/selfhelp-elder.htm>

REQUIRED FORMS

EA-300-INFO	Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?
FAM-020	Family Law Case Cover Sheet and Certificate of Grounds for Assignment to District
EA-300	Request for Elder or Dependent Adult Restraining Order Allowing Contact
EA-309	Notice of Court Hearing to Allow Contact
EA-330	Elder or Dependent Adult Restraining Order Allowing Contact After Hearing

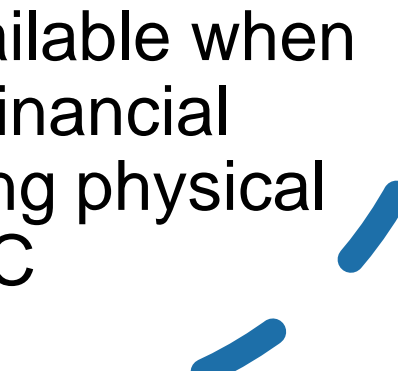
PROOF OF SERVICE

EA-200	Proof of Personal Service
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OPTIONAL FORMS (May not be needed in all cases.)

EA-315-INFO	How to Ask for a New Hearing Date for a Hearing to Allow Contact
EA-315	Request to Continue Court Hearing on Request to Allow Contact
EA-316	Order on Request to Continue Hearing on Request to Allow Contact

“Residential Exclusion” (i.e., eviction)

- The court may issue a residence exclusion order requiring the restrained person to move out of the elder's residence or dwelling.
 - A residence exclusion may not be issued "if legal or equitable title to, or lease of, the residence or dwelling is in the sole name of the party to be excluded or is in the name of the party to be excluded and any other party besides the petitioner." Welf&IC 15657.03(b)(4)(B).
 - Nor is a residence exclusion available when the abuse involved is limited to financial abuse, without any accompanying physical or emotional abuse. See Welf&IC 15657.03(d)(3)
- 

Other possible prohibitions:

Order Protecting Animals

Order Prohibiting Restrained Party From Attempting to Locate Protected Party

Order to Participate in Counseling or Anger Management Courses

Order Enjoining Isolation

Finding Regarding Debts (e.g., that certain debts were incurred due to fraud)

Firearms Prohibition and Relinquishment Order

What can you do to prevent elder abuse?

- Understand and address the factors that put people at [risk for or protect them from violence](#):
- Recognize: no one should be subjected to violent, abusive, humiliating, or neglectful behavior
- Listen to older adults and their caregivers to understand their challenges and provide support.
- Report abuse or suspected abuse to local APS, long-term care ombudsman, or police.
 - Use [the National Center on Elder Abuse Listing of State Elder Abuse Hotlines external icon](#) to find your state's reporting numbers, government agencies, state laws, and other resources.
- Educate yourself and others about how to recognize and report elder abuse.
- Learn how the signs of elder abuse differ from the normal aging process.
- Check-in on older adults who may have few friends and family members.
- Provide over-burdened caregivers with support such as help from friends, family, or local relief care groups; adult day care programs; counseling; outlets intended to promote emotional well-being.
- Encourage and assist persons (either caregivers or older adults) having problems with drug or alcohol abuse in getting help.

Caregiver burnout is real! Seek help if you feel yourself losing patience with someone in your care!

- Caregiver burnout is real! You may need a break to relieve the tension of having total responsibility for an older person who is dependent on you.
- CA Department on Aging has info to help family caregivers find respite and in-home help with difficult care tasks such as bathing, dressing, and cooking:
https://aging.ca.gov/Providers_and_Partners/Area_Agencies_on_Aging/
- If you recognize that abuse, neglect, or violence is a way you often solve problems, you will need expert help to break old patterns. Talk with a trusted friend or family member, a counselor, or your faith leader. If alcohol or drugs are a problem, consider Alcoholics Anonymous or another support group.
- Also helpful: counselors, psychologists, or therapists who specialize in helping people change destructive behaviors. To find a competent therapist, ask your physician or your health plan representative for a recommendation.

Resources for further information and assistance

- Self-help centers at local courthouses
- Judicial Council website, self-help section and court forms section (courts.ca.gov)
- Los Angeles Law Library – many on-demand classes; resources; monthly Lawyers in the Library clinics
- Legal Aid Foundation of Los Angeles
- Harriett Buhai Center for Family Law
- Elder Law and Disability Rights Center
- Nolo Press books



Gracias

- Thank you!