

## How to file for an Elder Abuse or Dependent Adult Restraining Order Request



### **Step 1: Fill out court forms (For free forms online and additional info, visit [www.courts.ca.gov](http://www.courts.ca.gov))**

- **Request for Elder or Dependent Adult Abuse Restraining Orders (EA-100)** (fill out the entire form)
- **Notice of Court Hearing (EA-109)** (fill out items #1-2 only)
- **Temporary Restraining Order (EA-110)** (fill out items #1-3 only)
- **Confidential CLETS Information (CLETS-001)** (fill out the entire form)
  - For more space to describe each incident: Include **Attachment (MC-025)**
  - Attach other documents to support your request for protection e.g. Emergency Protective Order (EPO), police reports, medical reports, or photos of injuries or damage to property, threats made by text messages etc. *Redact any confidential information on your attachments.*

### **Step 2: Make copies of your forms (Remember to copy both sides of each document)**

- Make 3 copies of **Request for Elder or Dependent Adult Abuse Restraining Orders (EA-100)** including all attachments.
  - You do not need to make copies of: EA-109; EA-110; CLETS-001. Submit your original copies only.

### **Step 3: File your completed paperwork at the Civic Center Courthouse at 400 McAllister Street, Civil Clerk's Office in Room 103**

- Room 103, New Filings Window is located on the 1<sup>st</sup> floor and is open Monday-Friday, from 8:30 a.m. to 12:30 p.m.
- In the courthouse lobby, there is a drop-box available to submit paperwork between 8:30 a.m. to 4:00 p.m. You may include a self-addressed stamped envelope if you would like the clerk to mail you your endorsed filed paperwork. Make sure there are sufficient stamps to mail the paperwork back to you.
- The clerk will file your **Request (EA-100)** and will give you a copy of page 1 of your **Request (EA-100)**. Completed copies of your paperwork will be ready for pick-up after the judge's review and court processing. \* (see Step 4)
- There is NO filing fee to submit an Elder or Dependent Adult Abuse Restraining Orders request.

### **Step 4: Pick-up your Temporary Restraining Order (EA-110) paperwork from the Civil Clerk's Office in Room 103.**

- **Note:** Your court documents will be a public record and the Restrained Party will receive copies of your paperwork. Do not provide your telephone number on your court papers if that would pose a safety issue.
- When your paperwork is ready for pick-up, a court clerk will contact you by telephone. Be sure to provide a valid telephone number and to unblock your phone so that you may receive calls from the court. If your voicemail box is FULL, the clerk will not be able to leave a message.
- If you filed your **Request (EA-100)** *before* 10:00 a.m., your **Temporary Restraining Order (EA-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 1 the same day. (Enter pick-up date: \_\_\_\_\_)
- If you filed your **Request (EA-100)** *after* 10:00 a.m., your **Temporary Restraining Order (EA-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 1 the next court day. (Enter pick-up date: \_\_\_\_\_)

**Step 5: Have a 3<sup>rd</sup> party “server” give the filed paperwork to the Restrained Party.**

- You must have someone personally hand a copy of the court documents to the Restrained Party no later than 5 calendar days before the hearing date. (Enter date of service deadline: \_\_\_\_\_)
- Your “server” must serve a copy of EA-100, EA-109, EA-110, EA-120-INFO, blank EA-120, blank EA-250 (labeled “Defendant’s copy”) to the Restrained Party. **Important:** All of these documents must be served at the same time.
  - The “server” can be a friend, relative, professional process server or a Sheriff’s Deputy.
  - He/she/they: must be 18 years or older, may not be a party to your case, and may not be a witness in your case.
  - You may request that the Sheriff’s Department serve the Restrained Party, at no cost to you. The San Francisco Sheriff’s Department is located at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 456, San Francisco, CA. **Note:** Each county’s Sheriff’s Department can only serve within its own county.
- Your server must:
  - 1) Give paperwork to the Restrained Party
  - 2) **Complete the Proof of Personal Service (EA-200)**
  - 3) Date, print and sign name
  - 4) Return the Original copy of the completed **Proof of Personal Service (EA-200)** to you.

**Step 6: File the Proof of Personal Service (EA-200)**

- As soon as possible, you must file the original plus one copy of the completed **Proof of Personal Service (EA-200)** at the Civil Clerk’s Office in Room 103, Subsequent Filings Window.
- If you cannot file the **Proof of Service (EA-200)** before the court hearing, be sure to bring it to the court hearing.
- If the Sheriff’s Department serves the paperwork, they will complete and file their own Proof of Service. In some cases, the Sheriff’s Department will mail you the original and copy of the Proof of Service to file.
- This document is proof to the judge that you have provided notice to the Restrained Party that you are requesting restraining orders against him/her/they.

**Step 7: Attend your hearing. Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_**

- Attend your court hearing. The date, time and location of your hearing will be on your court papers.
- Bring copies of your filed court documents
- Bring a copy of your filed **Proof of Personal Service (EA-200)**, which is your proof that you notified the Restrained Party of the court date. **Important:** Without the **Proof of Personal Service (EA-200)**, the Judge may not be able to do anything in your case. If you do not attend your hearing the **Temporary Restraining Order (EA-110)** will expire on that day.

You may encounter problems with Service of Process: “I cannot locate the Restrained Party to have him/her/they served”; 2) “I don’t have anyone willing to help me to serve the Restrained Party”; 3) “My served/delivered the paperwork past the deadline”; 4) Other: \_\_\_\_\_

What do I do if I was unable to have the Restrained Person served before the court hearing?

If you are unable to serve the person to be restrained before your court hearing, you must fill out the forms, **Request to Continue Hearing (EA-115)** and **Order on Request to Continue Hearing (EA-116)** to continue your court hearing. These forms must be submitted to the Court by 10:00 a.m. the day BEFORE the court hearing for the Judge’s review and signature, or you must appear at the court hearing to request a continuance. For assistance, visit the ACCESS Center at <https://sfsuperiorcourt.org/self-help>