

EA-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed.

1) Name of person asking for protection:

List the name, address and telephone number of the person asking for protection. If you want the address to be private then you may include an address where you receive mail but do not actually live.

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:
Superior Court of California, County of _____

Court fills in case number when form is filed.
Case Number: _____

2) Name of person to be restrained:

List the name of the person you are requesting protection from (the abuser). This section should also include a detailed physical description of that person as well as their home and work addresses. List all information you have here, if you do not have a certain piece of information that is OK, just list as much as you have.

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
Home Address (if known): _____
City: _____ State: _____ Zip: _____
Work Address (if known): _____
City: _____ State: _____ Zip: _____

To the person in 2):

3) Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

DO NOT ENTER ANYTHING HERE. This section will be filled out by the clerk court at the time you file your papers

Hearing Date → Date: _____ Time: _____ Name and address of court if different from above: _____
Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4) Court Orders

DO NOT ENTER ANYTHING HERE. This section will be filled out by the clerk court at the time you file your papers

The court (check a or b):

- a. Has scheduled the hearing stated in 3). No orders are issued against you at this time.
- b. Has scheduled the hearing stated in 3) and has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Write the name of the person you are requesting protection from. This will be the same name as the person you listed in section 2.

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

****Sections 5-10 should match the answers which you gave on the form EA-100...there should be no contradictory information****

⑤ Personal Conduct Orders

5) Check the bold box which says "Personal Conduct Orders"

You must **not** do the following things to the person listed in ①:

a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.

5a) Check BOX A if you want the person you are requesting this order of protection from to stop any type of physical abuse, financial abuse, intimidation, molestation, attacking or assaulting (sexually or otherwise), hitting, threatening, harassing etc

b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.

5b) Check BOX B if you want the person you are requesting an order of protection from to stop contacting you (directly or indirectly) by any means. Essentially if you check this box the other party will not be able to contact you in any way.

c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. (If item c. is not checked, the court has found good cause not to make this order.)

5c) Check Box C if you do not want the person you are requesting protection from to try to obtain information about you (or your caretakers) whereabouts

Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

⑥ Stay-Away Orders

6) Check the bold box which says "Stay -Away Orders"

You must stay at least (specify): _____ yards away from:

Mark "100" yards away from me in the box which indicates how far this person is to stay away from you. Then check ALL the boxes which you want to apply, if you want your person to stay away from your home, work, and vehicle then mark the applicable boxes.

If the court issues these protective orders to stay away from the places you requested above, will they still be able to get to work and home? If yes, select YES, if no then explain below why they would not be able to. For example if this is a co-worker and you have are asking them to stay away from you at work then you would need to indicate that here.

a. The person listed in ①

d. Vehicle of person in ①

b. The home of the person in ①

e. Other (specify): _____

c. Job or workplace of the person in ①

⑦ Move-Out Order

7) Move-Out Order

You must immediately move out from and not return to (address): _____

Fill out this section if you are currently living with the person you are requesting protection from.

You will list the address of the residence which you want the person to move away from.

and must take only the personal clothing and belongings you need until the hearing.

⑧ No Guns or Other Firearms

8) SELECT THIS BOX "ORDER ABOUT GUNS OR OTHER FIREARMS" You do not need to do anything else in this section

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑨ Turn In or Sell Guns or Firearms

9) SELECT THIS BOX "TURN IN OR SELL GUNS OR FIREARMS" You do not need to do anything else in this section

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.

- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form EA-145 for this.)

⑩ Financial Abuse

10) If your order of protection relates ONLY to financial abuse (meaning no physical or emotional abuse was also involved) then select the DOES box, if not then select DOES NOT

This case does not does involve solely financial abuse unaccompanied by force, threat, harassment, intimidation or any other form of abuse.

Case Number: _____

Your name: _____

11 **Other Orders** (specify): _____

11) If you marked any other orders you want the court to approve on the previous form then list those here as well (this would have been in section 14 on the EA-100 form)

****Write the name of the person asking for protection here, this should be you or the person you are filing this form on behalf of****

Additional orders are attached at the end of this Order.

Instructions for the Protected Person

To the person in 1: (Write the name of the person in 1): _____

12 **Service of Order on Law Enforcement**

12) Select the box "The Court Clerk" and list the address information of the Sherriff's Department (if the person you are requesting protection from resides in Fresno County)

If the court issues temporary restraining orders, by the close of business on the date the orders are made,

you your lawyer the court clerk

should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

Fresno County Sherriff's Department

2200 Fresno St.

Fresno, CA 93721

13 **Service of Documents**

13) You do not need to fill anything out here it is simply advising you which documents must be served upon the party you are requesting protection from.

You must have someone personally deliver to the person in 2 a copy of all the documents below:

- a. Form EA-120, Notice of Hearing and Temporary Restraining Order (completed and filed-stamped)
- b. Form EA-100, Request for Orders to Stop Elder or Dependent Adult Abuse (completed and filed-stamped)
- c. Form EA-110, Response to Request for Orders to Stop Elder or Dependent Adult Abuse (blank form)
- d. Form EA-151-INFO, How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?

If the boxes below are checked, you must also have someone personally deliver to the person in 2 a copy of all the documents checked below:

- e. Form EA-145, Proof of Firearms Turned In or Sold (blank form)
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in 2.

(For help with service, read Forms EA-142-INFO and EA-150-INFO.)

This is a Court Order.



Your name: _____

Order to Both Parties on Service

14 **Time for Service**

14) Mark the box "Time for service" and write in 5 days

A To: Person Asking for Order

Someone 18 or over—not you—must personally "serve" a copy of this order on the person in **2** at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142-INFO and EA-151-INFO .)

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—not you—must "serve" Form EA-110 on the person in **1**, then file it with the court at least _____ days before the hearing.

15 **No Fee to Notify (Serve) Restrained Person**

If the sheriff or marshal serves this Order, he or she will do it for free.

15) You do not need to do anything here.

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

16 If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item **9** above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.

16) You do not need to do anything here.

17 **After You Have Been Served With a Restraining Order**

17) You do not need to do anything here.

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in **1** or that person's attorney by the date listed in **14** of this form. You cannot serve the person in **1** yourself. The person who serves the person in **1** should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (Form MC-031) is available from the clerk's office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in **2** or his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Your name: _____

18) Notice Regarding Nonappearance at Hearing and Service of Order*18) You do not need to do anything here*

If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in 2*):

If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in 1 are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement Agencies

19) This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

*19)) You do not need to do anything here***FORM DONE****Information for All Parties****Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8)

*(Clerk will fill out this part)***—Clerk's Certificate—**

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.