

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**ELDER AND DEPENDENT ADULT
ORDER ALLOWING CONTACT
PACKET**



FORMS INCLUDED IN THIS PACKET

Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?	Judicial Council Form #EA-300-INFO
Request for Elder or Dependent Adult Restraining Order Allowing Contact	Judicial Council Form #EA-300
Declaration	Judicial Council Form #MC-030
Notice of Court Hearing to Allow Contact	Judicial Council Form #EA-309
Request for Free Service of the Order and Injunctions	SDSC Form #CIV-046
Civil Case Cover Sheet	Judicial Council Form #CM-010
How to Ask for a New Date for a Hearing to Allow Contact	Judicial Council Form #EA-315-INFO
Request to Continue Court Hearing on Request to Allow Contact	Judicial Council Form #EA-315
Order on Request to Continue Hearing on Request to Allow Contact	Judicial Council Form #EA-316

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order allowing contact?

If a person repeatedly prevents contact between a person 65 years or older (an elder) or a dependent adult and someone the elder or dependent adult wishes to have to contact with, the court may issue an order allowing contact.

When will the court grant a restraining order allowing contact?

The court will grant a restraining order allowing contact if:

- An elder or dependent adult has a preexisting relationship with and wants to have contact with a specific person;
- Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person the elder or dependent adult wishes to have contact with.

If you want a restraining order for other abuse, such as physical or financial abuse, read form [EA-100-INFO, Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?](#)

How will the order help me?

The court can order the person preventing contact to stop preventing the contact.

Who can apply for an elder or dependent adult restraining order allowing contact?

In addition to the elder or dependent adult, the following persons may apply for a restraining order allowing contact on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult;

- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney;
- A person appointed as a guardian ad litem for the elder or dependent adult;
- An individual with a preexisting relationship who the elder or dependent adult wishes to have contact with, but is being prevented from doing so; and
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged. The court can make the person who loses the case pay all the court fees and the lawyer's fee for the other party.

What forms do I need to get the order?

You must fill out all of form [EA-300, Request for Elder or Dependent Adult Restraining Order Allowing Contact](#). If you need attachments, you may use form [MC-025, Attachment](#). You must also fill out items 1 and 2 on form [EA-309, Notice of Court Hearing to Allow Contact](#).

Where can I get these forms?

You can get the forms from legal publishers or on the internet at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the prevention of contact took place or where the person preventing contact lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the Notice of Court Hearing form.



How soon can I get the order?

Orders to stop preventing a person from seeing an elder or dependent adult can only be issued after a hearing. Accordingly, the date of the hearing is the earliest the order can be granted.

How long does the order last?

The length of the order is determined by the court and could last for up to five years.

How will the person preventing contact know about my request for an order?

Someone age 18 or older—not you or anybody else involved in the case—must “serve” (give) the person to be restrained a copy of the notice of hearing and other forms listed on that notice. The server must then fill out form [EA-200, Proof of Personal Service](#), and give it to you to file with the court. For help with service, ask the court clerk for form [EA-200-INFO, What Is “Proof of Personal Service”?](#)

Do I have to go to court?

Yes. Go to court on the date the clerk gives you, which is found on form [EA-309, Notice of Court Hearing to Allow Contact](#).

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the isolation than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Letters, emails

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030, Declaration](#), for this.)

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.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

Can the elder or dependent adult and the person preventing contact agree to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. The person who requested the order or the person preventing contact would have to file a request with the court to cancel the order.

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 www.courts.ca.gov/selfhelp-interpreter.htm.

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](#).

For help in your area, contact:

[Local information may be inserted.]

Use this form to obtain an order allowing contact between an elder or dependent adult and another person.

- Read *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO) before completing this form.
- **Note:** This order cannot be issued if the elder or dependent adult lives in a long-term care or residential facility or is a patient at a hospital.
- If you want a restraining order for other abuse, such as physical or financial abuse, use *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100). Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) for more information.

Fill in court name and street address:

Superior Court of California, County of San Diego

Court fills in case number when form is filed.

Case Number:

1 Elders or Dependent Adults

(List each elder or dependent adult in the same household who wants to have contact with the person named in ③ and their age below.)

Full Name

Age

_____	_____
_____	_____
_____	_____

- Check here if there are more elders or dependent adults in the same household who also want to have contact with the person named in ③. List those persons and their ages on an attached sheet of paper and write "Attachment 1—Additional Elders or Dependent Adults" for a title. You may use form MC-025, Attachment.

2 Person Alleged to Be Preventing Contact

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

a. Full Name: _____

b. Describe this person's preexisting relationship to the elders or dependent adults named in ①:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3—Preexisting Relationship" for a title.

This is not a Court Order.



4 Person Requesting Order

Who is asking the court for an order? (Check a, b, c, or d):

- a. The elders or dependent adults named in ①.
- b. The person named in ③ who wants contact with the elders or dependent adults.
- c. Name: _____,
 conservator of the person estate person and estate
 named in ①, appointed by (name of court): _____
 Case No.: _____
- d. Other person legally authorized to make this request (name): _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 4d—Information About Person Requesting Order" for a title. You may use form MC-025, Attachment.)

5 Contact Information

Contact information for the person asking the court for an order

- a. 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.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

6 Description of Elders or Dependent Adults

The person or persons named in ① are residents of California and (check a, b, or c):

- a. Are all age 65 or older.
- b. Are all under age 65 and have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 6b—Description of Elders or Dependent Adults" for a title.)
- c. Include some adults age 65 or older and some are adults under age 65. The adults under age 65 have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Identify which persons are 65 or older and identify and briefly describe the limitations of those under age 65 on the attached sheet of paper or form MC-025. Write "Attachment 6c—Description of Elders or Dependent Adults" for a title.)

This is not a Court Order.



7 Relationship to Person Alleged to be Preventing Contact

How do the elders or dependent adults know the person in (2)? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7—Relationship to Respondent" for a title.

8 Facts Supporting Order Allowing Contact

The person requesting the order must show that:

- The elders or dependent adults expressly desire contact with the person named in (3);
- The person in (2) has repeatedly prevented that contact;
- The prevention of contact was not in response to an actual or threatened abuse of the elders or dependent adults by the person named in (3); and
- The prevention of contact was not in response to the desire of the elders or dependent adults to not have contact with the person named in (3).

a. Describe the desire of the elders or dependent adults to have contact with the person named in (3) and attach any documentation demonstrating such desire:

Check here if documentation is attached or if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8a—Describe Desire to Contact" for a title.

b. (1) When has the person in (2) prevented the person named in (3) from seeing the elders or dependent adults? (Provide dates or estimated dates):

(2) Describe how the person in (2) has prevented the person named in (3) from seeing the elders or dependent adults.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b—Describe Prevention" for a title.

This is not a Court Order.



9 Venue

Why are you filing in this county? (Check all that apply):

- a. The person in ② lives in this county.
- b. The person in ② prevented the person in ③ from seeing the elders or dependent adults in this county.
- c. Other (specify): _____

10 Other Court Cases

a. Has the person in ② or the person in ③ been involved in another court case with the elders or dependent adults? No Yes (If yes, specify the kind of each case and indicate where and when each was filed):

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there any protective or restraining orders now in effect relating to the elders or dependent adults and the person in ② or the person in ③? No Yes (If yes, attach a copy if you have one.)

11 Order Allowing Contact

I ask the court to order the person in ② to allow the person in ③ to contact the elders or dependent adults, with the following terms:

- a. The person in ② may not prevent the person named in ③ from in-person or remote online or telephonic visits with the elders or dependent adults named in ①.
- b. Other terms requested for the order allowing contact (specify):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11b—Other Order Terms" for a title.

This is not a Court Order.



12 **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be less than five days between service and the hearing, explain why:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

13 **Lawyer's Fees and Costs**

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 or form MC-025 and write "Attachment 13—Lawyer's Fees and Costs" for a title.

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

Date: _____

Lawyer's name (if any)

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

Signature of person making this request

Date: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

Clerk stamps date here when form is filed.

Blank area for clerk stamping date.

Fill in court name and street address:

Superior Court of California, County of San Diego

Court fills in case number when form is filed.

Case Number:

1 Elders or Dependent Adults

Full Name: _____
Full Name: _____
Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____
 Lawyer for person requesting order:
Name: _____
Firm Name: _____

- b. Address for the person requesting order (If you have a lawyer, give your lawyer's information. 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 email.)

Address: _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in ②:

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

To the person in ②:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.



6 Service of Documents by the Person in 4

At least five _____ days before the hearing, someone age 18 or older—**not you or anybody else involved in the case**—must personally give (serve) a court file-stamped copy of this form EA-309, *Notice of Court Hearing to Allow Contact*, to the person in 2 along with a copy of all the forms indicated below:

- a. EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (file-stamped)
- b. EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- c. EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*

Date: _____

*Judicial Officer***To the Person in 4 :**

- The court cannot make the restraining order requested unless the person in 2 has been personally given (served) a copy of your request. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is “Proof of Personal Service”?*
- You may ask to reschedule the hearing if you are unable to find the person in 2 and need more time to serve the documents, or for other good reasons. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*. Bring any evidence or witnesses you have. For more information, read form EA-300-INFO, *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?*

To the Person in ② :

- If you want to respond to the request for an order in writing, file form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*, and have someone age 18 or older—**not you or anybody else involved in the case**—mail it to the person in ④.
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing to Allow Contact* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
In the Matter of:	
Petitioner(s):	
Respondent(s):	
Request for Free Service of the Order and Injunctions (CCP § 527.6(a)(1) and 527.8; Family Code § 6200 et seq; Welfare and Institutions Code § 15600 et seq); and Sheriff's Reimbursement	CASE NUMBER

REQUEST FOR FREE SERVICE:

1. Your name (person asking for service of Order or Injunction): _____

Your Address: _____

City: _____ State: _____ Zip Code: _____

Your lawyer (if you have one): _____

2. I am entitled to free service of the restraining order or injunction by the sheriff because:
- a. I asked for a domestic violence prevention restraining order on Form DV-100.
 - b. I asked for a civil harassment restraining order on Form CH-100 and my request was based on my fear of
 - i. stalking
 - ii. a credible threat of violence
 - c. I have requested a restraining order under the Elder Abuse and Dependent Adult Civil Protection Act.
 - d. I have asked for a civil harassment restraining order for an employee and the request was based on that employee's fear of
 - i. stalking
 - ii. a credible threat of violence
 - e. I have requested a restraining order to enforce a protective order issued under the Family Code

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

INSTRUCTIONS FOR LAW ENFORCEMENT:

Government Code § 6103.2 allows the sheriff to bill the court only for orders or injunctions that were served, where service was canceled or where the respondent was not found so long as the amount sought does not exceed the allowable amounts provided in Government Code § 26721, 26736 and 26731.

To seek reimbursement for service, fill out the box below and a copy of this form must be returned to the court listed above.

Service of the order was made or attempted on (date):	Fee for service: \$ _____
Date:	
_____	_____
(TYPE OR PRINT LAW ENFORCEMENT REPRESENTATIVE)	SIGNATURE

	(TYPE OR PRINT TITLE AND AGENCY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101

CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123

EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020

NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081

SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

CASE NAME: _____

CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000)	<input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
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CASE NUMBER: _____

JUDGE: _____

DEPT.: _____

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (<i>not specified above</i>) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (<i>not specified above</i>) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (*check all that apply*): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (*specify*): _____

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: _____

_____ (TYPE OR PRINT NAME)	 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
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NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner
Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1 You may need to ask for a new court date if:

- You are the person asking for the order and are unable to have *Notice of Court Hearing to Allow Contact* (form EA-309) and other papers served in time before your court date.
- You are the person said to be preventing contact and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule on a showing of good cause.)

2 What does form EA-315 do?

Use *Request to Continue Court Hearing on Request to Allow Contact* (form [EA-315](#)) to ask the court to reschedule your court date.

3 Follow these steps:

- Fill out all of form [EA-315](#).
- Fill out items **1**, **2**, **3**, and **4** on *Order on Request to Continue Hearing on Request to Allow Contact* (form [EA-316](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge grants your request, in item 5b of form EA-316, you will have a new court date. If the judge did NOT grant your request, you should go to court at the date, time, and location on form EA-309.
- Next, file both forms EA-315 and EA-316 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item **7** on form EA-316.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form [EA-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk's office before your court date.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. "Documents" may include exhibits and declarations, and the court may enter them into evidence at its discretion.
- If you are the person preventing contact and you do not go to the hearing, the court can still make an order against you that can last for up to five years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

**Request to Continue Court Hearing
on Request to Allow Contact**

Clerk stamps date here when form is filed.

Use this form to ask the court to reschedule the court date listed on form EA-309, *Notice of Court Hearing to Allow Contact*. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*, for more information.

Fill in court name and street address:

Superior Court of California, County of San Diego

Fill in case number:

Case Number:**1 Party Information**

a. My name is: _____

b. I am the *(check one of the boxes below)*:(1) Elder or Dependent Adult *(skip to 2)*.(2) Person asking for the order to allow contact*(name of elders or dependent adults):* _____*(skip to 2)*.(3) Person alleged to be preventing contact *(provide your information below)*

Address where I can receive mail:

(This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.)

Address: _____

City: _____ State: _____ Zip: _____

My contact information *(optional)*:

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information *(skip if you do not have one)*:

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About My Casea. The other party in this case is *(full name)*: _____b. I have a court date currently scheduled for *(date)*: _____**This is not a Court Order.**

3 Why Does the Court Date Need to Be Rescheduled?

- a. I need more time to have the person alleged to be preventing contact personally served.
- b. I am the person alleged to be preventing contact and this is my first request to reschedule the court date.
- c. Other reason: _____

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 name of

- Lawyer Party Without Lawyer

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

Complete items ①, ②, ③, and ④ only.

① **Elders or Dependent Adults:** _____

② **Party Alleged to Be Preventing Contact:** _____

③ **Person Who Wants Contact With the Elders or Dependent Adults**

④ **Person Requesting Order**

The court will complete the rest of this form.

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

Fill in case number:
Case Number:

⑤ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

Your court date is not rescheduled because: _____

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ⑥–⑨ for more information.

Name and address of court, if different from above:

New Court Date →

Date: _____ Time: _____

Dept.: _____ Room: _____

⑥ **Reason Court Date Is Rescheduled**

a. There is good cause to reschedule the court date (*check one*):

(1) The party requesting the order has not served the party preventing contact.

(2) Other: _____

b. This is the first time that the party alleged to be preventing contact has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

This is a Court Order.



7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Party Requesting Order**

b. **Party Alleged to be Preventing Contact**

c. **Court**

(1) You do not have to serve the party alleged to be preventing contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party alleged to be preventing contact personally served with a copy of this order and a copy of all documents listed on form EA-309, item **6**, by *(date)*: _____

(3) You must have the party alleged to be preventing contact served with a copy of this order. This can be done by mail. You must serve by *(date)*: _____

(4) Other: _____

(1) You do not have to serve the party requesting contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party requesting contact personally served with a copy of this order by *(date)*: _____

(3) You must have the party requesting contact served with a copy of this order. This can be done by mail. You must serve by *(date)*: _____

(4) Other: _____

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by *(date)*: _____

(3) Other: _____

This is a Court Order.



8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 Other Orders

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Disability Accommodation Request (form MC-410)*. (Civ. Code, § 54.8.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Hearing on Request to Allow Contact* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.