

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

ELDER AND DEPENDENT ADULT ABUSE RESPONDENT PACKET



FORMS INCLUDED IN THIS PACKET

How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?	Judicial Council Form #EA-120-INFO
Response to Request for Elder or Dependent Adult Abuse Restraining Orders	Judicial Council Form #EA-120
How to Ask for a New Hearing Date (Elder or Dependent Adult Abuse Prevention)	Judicial Council Form #EA-115-INFO
Instructions for Requesting to Continue Hearing on Restraining Order	SDSC Form #CIV-385
Proof of Service of Response by Mail	Judicial Council Form #EA-250
How to Turn in Firearms, Firearms Parts, and Ammunition	SDSC Form #ADM-438
How Do I Turn In, Sell, or Store my Firearms and Firearm Parts?	Judicial Council Form #EA-800-INFO
Receipt for Firearms and Firearm Parts	Judicial Council Form #EA-800

What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse restraining orders.**What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120](#), *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form [EA-250](#), *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

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.

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 selfhelp.courts.ca.gov/request-interpreter.



Should I go to the court hearing?

Yes. You should go to court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

EA-109 Notice of Court Hearing	
<p>1 Elder or Dependent Adult in Need of Protection</p> <p>a. Full Name: _____</p> <p><input type="checkbox"/> Person requesting protection for the elder or dependent adult, if different (person named in item 3 of form EA-109):</p> <p>Full Name: _____</p> <p>Lawyer for person named above (if any for this case):</p> <p>Name: _____ State Bar No.: _____</p> <p>Firm Name: _____</p> <p>b. Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. 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.):</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Telephone: _____ Fax: _____</p> <p>Email Address: _____</p>	
<p>2 Person You Want Protection From</p> <p>Full Name: _____</p> <p><i>The court will complete the rest of this form.</i></p>	
<p>3 Notice of Hearing</p> <p>A court hearing is scheduled on the request for restraining orders against the person in 2:</p> <p>Name and address of court if different from above: _____</p> <p>Hearing Date → Date: _____ Time: _____</p> <p>Dept.: _____ Room: _____</p>	
<p>To the person in 2:</p> <ul style="list-style-type: none"> 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. 	
<p>4 Temporary Restraining Orders (Any orders granted are on form EA-110, served with this notice.)</p> <p>a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, <i>Request for Elder or Dependent Adult Abuse Restraining Orders</i>, are (check only one box below):</p> <p>(1) <input type="checkbox"/> All GRANTED until the court hearing.</p> <p>(2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.)</p> <p>(3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)</p>	

Judicial Council of California, www.courts.ca.gov
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Approved by DOJ

Notice of Court Hearing
(Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

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*.

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Request (form EA-100)

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form [EA-120-INFO](#)) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use form [EA-250](#), Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of San Diego

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

☐ 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

Court fills in case number when form is filed.

Case Number:

① Elder or Dependent Adult Seeking Protection

Name: _____

☐ Name of person asking for the protection, if different (This is the person named in item ③ of the request (form EA-100).)

② Person From Whom Protection Is Sought

a. Your Name: _____

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. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item ③, here:

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑮ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑮ on page 4):
- _____
- _____

④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑮ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑮ on page 4):
- _____
- _____



5 ☐ **Move-Out Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (*Specify why you disagree in item ⑮ on page 4.*)
- c. ☐ I agree to the following orders (*specify below or in item ⑮ on page 4*):
-
-

6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item ⑥ of form EA-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item ⑥ of form EA-100 may be protected by the order requested.

7 ☐ **Order for Counseling or Anger Management Courses**

i This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (*Specify why you disagree in item ⑮ on page 4.*)
- c. ☐ I agree to the following orders (*specify below or in item ⑮ on page 4*):
-
-

8 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item ⑧ of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form [EA-800](#), *Receipt for Firearms and Firearm Parts*, for the receipt.

- a. ☐ I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*Explain*):

☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use for [MC-025](#), Attachment.

- c. ☐ I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt ☐ is attached. ☐ has already been filed with the court.



9 No Body Armor

If you were served with form EA-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. ☐ I do not own or have any body armor.
- b. ☐ I have relinquished all body armor that I have in my possession.
- c. ☐ I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

10 ☐ Debts Caused by Financial Abuse

- a. ☐ I agree to the findings requested.
- b. ☐ I do not agree to the findings requested. (Specify why you disagree in item (15) on page 4.)
- c. ☐ I agree to the following findings (specify below or in item (15) on page 4):

11 ☐ Possession and Protection of Animals

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
- c. ☐ I agree to the following orders (specify below or in item (15) on page 4):

12 ☐ Other Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
- c. ☐ I agree to the following orders (specify below or in item (15) on page 4):

13 ☐ Denial

I did not do anything described in item (8) of form EA-100. (Skip to (15).)

14 ☐ **Justification or Excuse**

If I did some or all of the things that the person in ① has accused me of, my actions were justified or excused for the following reasons (*explain*):

☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14—Justification or Excuse" as a title. You may use form MC-025, Attachment.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

15 ☐ **Reasons I Do Not Agree to the Requests**

Explain your answers to each order or finding requested that you do not agree with.

☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write “Attachment 15—Reasons I Disagree” as a title. You may use form MC-025, Attachment.

[illegible]

16 ☐ **Lawyer's Fees and Costs**a. ☐ 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 and write "Attachment 16—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.b. ☐ I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.**17** 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_____
Sign your name

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

- You are the person seeking protection and are unable to have *Notice of Court Hearing* (form [EA-109](#)) and other papers served in time before your court date.
- You are the person to be restrained 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-115 do?

Use *Request to Continue Hearing* (form [EA-115](#)) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form [EA-110](#)) was granted, the TRO will be extended until the end of your new court date unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new hearing date.

3 Follow these steps:

- Fill out all of form [EA-115](#).
- Fill out items ① and ② on *Order on Request to Continue Hearing* (form [EA-116](#)).
- 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 signed form [EA-116](#), you will have a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location on form EA-109.
- Next, file both forms [EA-115](#) and [EA-116](#) 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 ⑥ on form [EA-116](#).
- 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.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

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, declarations, and financial statements, and the court may enter into them evidence at its discretion.
- If you are the person seeking protection and you do not go to your court date, your TRO will expire on the date and time of your court date.
- If you are the person to be restrained and you do not go to the hearing, the court can still make orders 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.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INSTRUCTIONS FOR REQUESTING TO CONTINUE HEARING ON RESTRAINING ORDER

Protected or restrained persons may request to continue the hearing on restraining order by following the process for the location where the hearing is scheduled as indicated below.

The following forms are required:

Civil Harassment

- Request to Continue Hearing (JC Form #CH-115)
- Order on Request to Continue Hearing (JC Form #CH-116)

Elder or Dependent Adult Abuse

- Request to Continue Hearing (JC Form #EA-115)
- Order on Request to Continue Hearing (JC Form #EA-116)

Gun Violence

- Request to Continue Court Hearing for Gun Violence Restraining Order (JC Form #GV-115)
- Order on Request to Continue Hearing (JC Form #GV-116)

Private Postsecondary School Violence

- Request to Continue Hearing (JC Form #SV-115)
- Order on Request to Continue Hearing (JC Form #SV-116)

Workplace Violence

- Request to Continue Hearing (JC Form #WV-115)
- Order on Request to Continue Hearing (JC Form #WV-116)

Parties may request to continue the hearing by either appearing on the day of the hearing or appearing ex parte prior to the scheduled hearing date.

Instructions for Appearing Ex Parte

Central Division

An ex parte hearing may be scheduled by calling (619) 450-7275 and requesting to be transferred to Department 61. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) to the courtroom clerk upon checking-in.

East County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

North County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

South County Division

An ex parte hearing may be scheduled at the counter in the Business Office or by calling (619) 746-6200 the day before the requested hearing date. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) and a declaration of notice and drop them off in the Ex Parte Box no later than 12:00 p.m. the day before the scheduled ex parte hearing.

1 Elder or Dependent Adult Seeking Protection

Full Name: _____

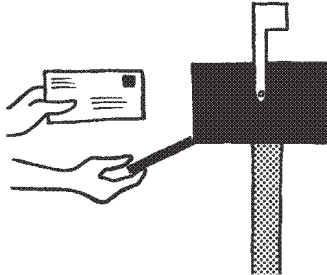
2 Person From Whom Protection Is Sought

Your Full Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥ of form EA-100 or in items ①, ②, ③ or ④ on form EA-300.
- Mail a copy of all documents checked in ④ to the person in ①.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of San Diego

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

Court fills in case number when form is filed.

Case Number: _____**4 PROOF OF SERVICE BY MAIL**

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. ☐ Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
- b. ☐ Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- c. ☐ Other (specify): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (date) _____ Mailed from (city): _____ State: _____

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____



Server to sign here

Type or print server's name

**Firearms (Guns), Firearm Parts, or
Ammunition Prohibition:**

If item 8 of the Temporary Restraining
Order (JC Form #EA-110) was GRANTED,
review and complete the following forms.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

HOW TO TURN IN FIREARMS, FIREARM PARTS, AND AMMUNITION

If the court issues a restraining or protective order against you, you are prohibited from owning, possessing, or buying firearms, firearm parts, and ammunition ("Prohibited Items"). **You must act quickly.** Upon request from law enforcement, you must immediately surrender your Prohibited Items. Otherwise, you have **24 hours** from the time you received the court's order to turn in ("relinquish") your Prohibited Items and **48 hours** from the time you received the court's order to file proof with the court. Do not bring your Prohibited Items to the courthouse.

Options for Relinquishing Prohibited Items

Option 1: Sell them to, or store them with, a federally licensed gun dealer

You can find a gun dealer in your area by searching online. Make sure the dealer you choose is federally licensed.

Option 2: Turn them in to a local law enforcement agency

Call the San Diego County Sheriff's Office or the police department where you live. Tell them a restraining or protective order was issued against you and you need to turn in your Prohibited Items. Listen to and follow carefully the instructions given to you by law enforcement. They may ask you for: (1) a description of you and your car, (2) your ID, and (3) a copy of the court order requiring relinquishment. They may share with you the following general safety instructions:

- Your firearm(s) must be unloaded.
- Place the Prohibited Items in the trunk of your car and lock your trunk. If you do not have a trunk, lock your firearm in a container and put it in the back of your vehicle out of arm's reach. Do not put it in your glove compartment. (Pen. Code, § 16850)
- Drive straight to the law enforcement agency. Do not stop anywhere else.
- Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, leave the firearm inside of your car and go inside of the agency office and ask for instructions.

Do not call 911. Use the local law enforcement non-emergency numbers below:

Carlsbad Police Dept.	(442) 339-2197
Chula Vista Police Dept.	(619) 691-5151
Coronado Police Dept.	(619) 522-7350
El Cajon Police Dept.	(619) 579-3311
Escondido Police Dept.	(760) 839-4722, or (760) 839-4740, #2
La Mesa Police Dept.	(619) 667-1400
National City Police Dept.	(619) 336-4411
Oceanside Police Dept.	(760) 435-4900
San Diego Police Dept.	(619) 531-2000, or (858) 484-3154
San Diego Sheriff's Office	(858) 868-3200

How to File Proof with the Court

You have 48 hours from the time you received the restraining order to file proof of relinquishment with the court. You can use JC Form #CH/DV/EA/GV/SV/WV-800 for this purpose. Bring it with you to the gun dealer or law enforcement agency and ask them to complete the relevant portions. Or obtain a receipt from the agency or dealer.

Bring the original and one copy of JC Form #CH/DV/EA/GV/SV/WV-800 or your receipt to the courthouse where the order was issued. The clerk will file the original, stamp your copy, and return the stamped copy to you for your records.

Questions?

JC Form #CH/DV/EA/GV/SV/WV-800-INFO provides answers to frequently asked questions about firearm relinquishment.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon; and
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Receipt for Firearms and Firearm Parts* (form EA-800) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

Fill in court name and street address:

Superior Court of California, County of San Diego

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

Court fills in case number when form is filed.

Case Number:**1 Protected Person**

Name: _____

2 Restrained Person

a. Your Name: _____

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. You do not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item (4) or (5). For more information on how to properly turn in your items, read form EA-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4**To Law Enforcement**

(Complete the section below. Keep a copy and give the original to the person in (2).)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items (List all the items surrendered by the person in (2). You may attach a separate form from your agency (e.g., a property report), use item (6), or both. Check below if you have attached a separate form):

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item (6).)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.



Signature of law enforcement agent: _____



5

To Licensed Gun Dealer*(Complete the section below. Keep a copy and give the original to the person in (2).)*

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold


- a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

- b. List of items
- (List all the items surrendered by the person in (2). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item (6). Check below if you have attached a separate form):*

☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item (6).)*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

 Signature of licensed gun dealer _____

6

☐ **List of Items Surrendered**

Firearms and firearm parts					
Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- ☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "EA-800, item 6" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below):

a. ☐ I filed a *Receipt for Firearms and Firearm Parts* (form EA-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your signature

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 your name



Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.