

Procedure for Obtaining Temporary Elder Abuse Restraining Orders in Nevada City Branch

ALL FORMS SHALL BE EITHER TYPEWRITTEN OR HANDWRITTEN IN SUCH A MANNER THAT WILL PRODUCE CLEAR AND PERMANENT COPIES.

1. **OBTAIN THE APPROPRIATE FORMS**, either from the clerk's office Elder Abuse packet, or online at <http://nccourt.net/forms/form-packets.shtml>. These forms **must** be completed prior to presenting to the court to open your case.

The following forms are **required** to open your case:

FL4	Declaration Re: Notice Upon Ex Parte Application for Orders
CLETS-001	Confidential CLETS Information
CM-010	Civil Case Cover Sheet
EA-100	Request for Elder Abuse Restraining Orders
EA-109	Notice of Court Hearing
EA-110	Temporary Restraining order (CLETS-TEA)

2. **YOU CHOOSE YOUR OWN HEARING DATE.** Choose a date and time that you will be able to attend court according to the chart below. Hearings will be in Department 6 on the 3rd floor of the Nevada County Superior Courthouse.

Monday	2:00 p.m.
Tuesday through Thursday	8:30 a.m.
Friday	9:30 a.m.

You must notify the person to be restrained of the scheduled hearing no later than 10:00 a.m. the court day before the hearing. This notification only needs to be by telephone. The notification must include the following:

What the hearing is for: (i.e. "Elder Abuse restraining order")

Where: Nevada City Courthouse, 3rd Floor, Department 6

When: Date and time you chose

3. **FILE THE COMPLETED FORMS WITH THE CIVIL CLERKS' OFFICE AT THE COURTHOUSE BY 4:00 P.M. THE COURT DAY PRIOR TO YOUR CHOSEN DATE.** You will be assigned a case number and given a conformed copy of your filed documents.

The purpose of this first hearing is to obtain temporary orders only. If the person to be restrained shows up and is agreeable to the orders the Court may make permanent orders at that time. If the person to be restrained does not show up or is not agreeable to the orders, the court may issue the Temporary Restraining Order and set the matter for hearing in approximately three weeks. You must then have the restrained person personally served with all of the paperwork prior to the hearing. The Sheriff, a private process server, friend, or family member, may serve the papers. A Proof of Service (form EA-200 and related information sheet EA-200-INFO, both available on the court's website) must then be filed with the court prior to the hearing.