



KERN COUNTY ELDER NEWS

Kern County DEAR/EDRT TEAM

(Dependent/Elder Abuse Review) Team/EDRT (Elder Death Review Team)



Monthly Information Article

May 2023



Protection & Restraining Orders

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Kern County District Attorney's Office*

Agency Partners

- Bakersfield Police Department
- California Dept. of Insurance
- CSUB
- Dept. of Social Services Licensing
- GBLA
- Independent Living Center of KC
- Kaiser Permanente
- Kern Co. Aging & Adult Services
- Kern Co. BHRS
- Kern Co. Coroner
- Kern Co. District Attorney
- Kern Co. DA Victim Services
- Kern Co. Family Law Facilitator
- Kern Co. Public Health
- Kern Regional Center
- Kern Co. Sheriff's Office
- Kern Co. Veteran Services
- Social Security Administration
- Strata Credit Union

Restraining orders are court orders that protect a person from another person.

Generally, the protection is from:

**Harassment Physical Abuse Stalking
Threats of Violence Financial (Elder & Dependent)**

Additional Terms Can Include:

Move Out Order—Restrained party must vacate residence of protected party.

Stay-Away Orders—Restrained party must stay a specific distance away from protected party, their home, work, school, etc.

Personal Conduct Orders—Restrained party may not commit certain acts such as harass, trespass, destroy personal property, make phone calls to protected party.

RESTRAINING & PROTECTION ORDER TYPES

EMERGENCY PROTECTIVE ORDER (EPO) This is an order issued by law enforcement only thru a judge. EPO's are valid for a short time. These orders are issued for Domestic Violence, Child Abuse, Elder /Dependent Abuse or Stalking. CA Penal Code: 646.91.

CIVIL ORDERS:

TEMPORARY RESTRAINING ORDER - TRO) This order is granted after a request for a Domestic Violence Restraining Order or Elder/Dependent Adult Order that is approved by a judge, but before a court hearing for a more permanent Restraining Order, usually 3 years, but up to 5 years.

DOMESTIC VIOLENCE - (DVRO) This is an order for people who have been abused by some one in close relationships such as spouses, intimate partners dating relationship (ever), have a child together, close family such as mother/son, father/daughter, brother/sister or other close family members.

ELDER OR DEPENDENT ADULT ABUSE - (EA) This order is for an elder (65 years or older) or dependent adult (with mental and/or physical disabilities) who have been abused. This type of abuse can be physical, financial or neglect from caregiver.



CRIMINAL PROTECTIVE ORDER (CPO) This is an order of protection attached to a criminal case that the judge issues based on the charged crimes in the court case. Victims don't necessarily ask for a CPO, but can. The CPO is valid as long as the case is still open (no conviction or acquittal) and can remain part of sentencing after the case is over from 3 years to up to 10 years.



HOW CAN A RESTRAINING ORDER BE OBTAINED?

Superior Court of Kern County issues Civil Orders such as:

Temporary Restraining Orders

Domestic Violence Restraining Orders

Elder & Dependent Abuse Restraining Orders

Civil Harassment Orders

An individual can obtain the paperwork from Superior Court to file any one of these orders. Some orders have a fee, but a waiver of fee can be asked for.

Initially, forms are filed with the Court Clerk. A judge reviews the forms along with the declaration as to why protection is being sought. At this point the judge can issue a TRO and set a court date approximately three weeks away for the hearing.

Our office assists with filling out the forms for all of these types of restraining orders except Civil Harassment Orders.

PETITIONER: The person requesting a restraining order.

RESPONDENT: The person being restrained.

DECLARATION: Statement written by the petitioner describing abuse and why they need protection



Remember - our fallen heroes. They are the reason that we are free.

RESOURCES

Kern County Superior Court
1215 Truxtun Avenue 1st Floor
Bakersfield, CA 93301
(661) 610-6000

Kern County Superior Court
1773 State Hwy 58
Mojave, CA 93501
(661) 610-7400



Kern County Law Library
1415 Truxtun Avenue 3rd Floor
Bakersfield, CA 93301
(661) 868-2532

Kern County Superior Court
132 East Coso Avenue
Ridgecrest, CA 93555
(661) 610-7450

Kern County Family Justice Center
2101 Oak Street
Bakersfield, CA 93301
(661) 868-8410

Delano Superior Court
1122 Jefferson Street
Delano, CA 93215
(661) 610-7300

Kern County Superior Court
325 Central Valley Hwy
Shafter, CA 93263
(661) 610-7200



Kern County Superior Court
12022 Main Street
Lamont, CA 93241
(661) 610-7100

Kern County District Attorney
Victim Services Unit
1415 Truxtun Avenue—7th Floor
Bakersfield, CA 93301
(661) 868-2400

