Superior Court of California
County of Solano

Rule 16 – Protective Orders

16.1 DOMESTIC VIOLENCE (FAMILY CODE § 6200 ET SEQ.)

a. **DECLARATION REGARDING EX PARTE NOTICE GENERALLY NOT REQUIRED**
An applicant for ex parte restraining orders made pursuant to the Act need not submit a completed *Declaration Re Notice Upon Ex Parte Application for Orders* or a declaration in substantial compliance therewith.
(Subd (a) relettered effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

b. **CONTENTS OF DECLARATIONS IN SUPPORT OF DOMESTIC VIOLENCE RESTRAINING ORDERS**
A mere expression in the declaration of violence or fear will not adequately support the granting of an ex parte order. The declarations must expressly include (1) the actual or approximate date(s) of the incidents alleged, (2) a detailed description of the facts of each incident, and (3) the specific harm caused or threatened.
(Subd (b) relettered and amended effective January 1, 2012; adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008, and July 1, 2008.)

c. **DELIVERY TO LAW ENFORCEMENT AGENCY**
To obtain enforcement of temporary restraining orders, applicants or their counsel shall deliver a copy of such orders to one or more designated law enforcement agencies. The order shall have a file-endorsed stamp by the Clerk of the Superior Court in the upper right hand corner and the expiration date of the order shall be clearly marked on the face of the document. Temporary restraining orders and orders issued at the order to show cause hearing for delivery to law enforcement agencies shall include a specific expiration date.
(Subd (c) relettered effective January 1, 2012; previously adopted as subsection (a) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008.)

d. **NOTIFICATION DUTY ON TERMINATION, EXTENSION OR MODIFICATION**
Where an order is issued restraining or enjoining domestic violence and that order is terminated before the expiration date, extended beyond that date or otherwise modified, the party obtaining relief, or his or her attorney, shall immediately notify the designated law enforcement agency in writing of such termination, extension or modification.

(Subd (d) relettered effective January 1, 2012; adopted as subdivision (d) of Rule 5.8 effective July 1, 1988; previously amended effective January 1, 2008; relettered as subd. (b) of Rule 5.8 effective July 1, 2008.)

e. **NOTIFICATION DUTY ON EXTENSION OF TEMPORARY RESTRAINING ORDERS**
Where a temporary restraining order is issued ex parte to be effective until the date set for hearing, and thereafter the hearing date is continued to a subsequent date, the temporary restraining order shall terminate unless ordered by the court to remain in effect until a subsequent date. In the event the temporary order is continued by court order to a subsequent hearing date, applicant shall deliver a copy of such order to the designated law enforcement agency.
(Subd (e) amended effective January 1, 2008.)

(Rule 16.1 amended and renumbered effective January 1, 2012; adopted as Rule 5.8 effective July 1, 1988; previously amended effective August 1, 2002, January 1, 2008, and July 1, 2008.)

16.2 CIVIL HARASSMENT (CCP § 527.6)

a. **ELIGIBILITY FOR CIVIL HARASSMENT ORDER**
Only natural persons may request a restraining order. Entities such as corporations, partnerships, or companies may not seek a civil harassment order.
(Subd. (a) adopted effective January 1, 2012.)

b. **REQUESTING OR RESPONDING TO CIVIL HARASSMENT ORDER ON BEHALF OF INCAPACITATED ADULT**
If a person seeks a civil harassment protective order on behalf of an incapacited adult plaintiff, or seeks to respond to a petition for civil harassment protective orders on behalf of an incapacitated adult defendant, the representative must submit an application for appointment of guardian ad litem prior to or concurrently with the appropriate pleading. If the representative has already been appointed as the protected person's guardian ad litem or has a power of attorney specifically granting authority concerning litigation, the guardian ad litem application shall not be required, but the representative shall provide the court with proof of his or her authority to act on the incompetent person's behalf.
(Subd. (b) adopted effective January 1, 2012.)

c. **MUTUAL INJUNCTIVE ORDERS**
Mutual injunctive orders shall not be granted absent the defendant filing a cross-complaint and providing proof of sufficient notice of the cross-complaint to the plaintiff.

(Subd. (c) adopted effective January 1, 2012.)

d. **MINOR SUBJECT TO JUVENILE COURT JURISDICTION**
If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.
(Subd. (d) adopted effective January 1, 2012.)

e. **ADDRESS OF PARENT OR GUARDIAN**
In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.
(Subd. (e) adopted effective January 1, 2012.)

(Rule 16.2 adopted effective January 1, 2012.)

16.3 WORKPLACE VIOLENCE (CCP § 527.8)

a. **MINOR SUBJECT TO JUVENILE COURT JURISDICTION**
If the plaintiff or defendant is a minor previously determined to be subject to juvenile court jurisdiction, any party with knowledge of that fact shall inform the court at the earliest opportunity so that the matter may be transferred for hearing to the juvenile court per CCP section 374.5.
(Subd. (a) adopted effective January 1, 2012.)

b. **ADDRESS OF PARENT OR GUARDIAN**
In order to enable the court's compliance with CCP section 372, subdivision (a)(2), a minor seeking a protective order who appears without a guardian ad litem but who lives with a parent or guardian shall provide the court with the address of at least one parent to whom the court shall send the order once it is issued. This address may be provided at the hearing, or in a confidential declaration filed with the court.
(Subd. (b) adopted effective January 1, 2012.)

(Rule 16.2 adopted effective January 1, 2012.)

16.4 POSTSECONDARY SCHOOL VIOLENCE (CCP § 527.85)

a. **STUDENT CONSENT TO FILING OF APPLICATION**
Proof of a student's consent to the filing of the application may be shown through the student's signature on the petition or the attachment of an original written consent signed by the student.
(Subd. (a) adopted effective January 1, 2012.)

(Rule 16.4 adopted effective January 1, 2012.)

16.5 ELDER OR DEPENDENT ADULT ABUSE [RESERVED]