

FILED
Clerk of the Superior Court
DEC 27 2023

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE DISMISSAL OF DOMESTIC
VIOLENCE CASES WHEN APPLICANT
WAIVES HEARING ON DENIED
REQUEST FOR TEMPORARY
RESTRAINING ORDER**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT
ORDER NO. 010124-14**

In accordance with the authority vested in the Presiding Judge under the California Rules of Court, rule 10.603, and pursuant to the provisions of Family Code section 6320.5(c), IT IS HEREBY ORDERED:

Upon the denial of some or all of a request for temporary domestic violence restraining orders and the setting of a noticed hearing for permanent domestic violence restraining orders, the petitioner/applicant has the option of waiving his or her right to the noticed hearing pursuant to Family Code section 6320.5(c).

Upon the exercise of this right and the written request by the petitioner/applicant, signed under penalty of perjury, to cancel the noticed hearing, only in those cases where the temporary domestic violence restraining orders have been denied in their entirety, the clerk of the Family Court shall both cancel the hearing and dismiss the case. The case will be dismissed only in those actions that are limited to the request for domestic violence restraining orders and there are no other family law matters before the court.

1 Nothing in this order shall preclude a petitioner/applicant who waives his or her right to a
2 noticed hearing from refiling a new petition, without prejudice, at a later time.

3 This order shall become effective on January 1, 2024, and expire on December 31, 2024,
4 unless otherwise ordered by this court.

5 IT IS SO ORDERED.

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7 DATED: December 27, 2023


8 **HONORABLE MICHAEL T. SMYTH**
9 **PRESIDING JUDGE**

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