Civil

Locations

- Restraining Orders – Hall of Justice, and the East County, North County, and South County Regional Centers
- Limited and Unlimited – Hall of Justice and North County Regional Center
- Small Claims – Hall of Justice
- Unlawful Detainer – Hall of Justice
- Name or Gender Change – Hall of Justice and North County Regional Center

DID YOU KNOW:

- An **unlimited civil case** is a general civil case asking for money above $25,000.
- A **limited civil case** is a general civil case asking for money up to $25,000.
- A **small claims case** is a limited general civil case asking for $10,000 or less.
- Unlawful detainer cases, also called **evictions**, are lawsuits in which a landlord tries to evict a tenant because, according to the landlord, the tenant no longer has the right to live on the property.

Restraining Orders

Civil Restraining Order hearings are being held remotely at this time. Find more information about Civil Harassment virtual hearings on the Court's website at sdcourt.ca.gov/Civil.

Civil Temporary Restraining Orders (TROs) include Harassment, Elder Abuse, Workplace Violence, Private Postsecondary School Violence, Transitional Housing Misconduct, Gun Violence TROs, and Gun Violence Emergency Protective Orders.

Civil TROs are accepted in person and can be filed in the Civil Division in the Hall of Justice and North County Regional Center and in Family Court at the East and South County Regional Centers.

Process to Request a TRO:
To have a Request for Temporary Restraining Order filed and heard by a judge on the same day, the petitioner must be in line with completed paperwork by 3 p.m., in accordance with Code of Civil Procedure § 527.6(e). ("Completed" is defined as meaning all names and information must be completed and match across all documents and be written in a clear, legible manner so that the Judicial Officer may consider the request.)

Code of Civil Procedure § 527.6(e) states: "A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court."

Once you obtain your initial Temporary Restraining Order, it is the responsibility of the petitioner to have the respondent personally served with all necessary documents as instructed by the clerk. Proof of service for the respondent must be filed with the Court prior to or at the time of the hearing on the restraining order. The party can be served by:

- The Sheriff's Department of the county where the respondent lives or works
- Anyone over the age of 18 years old and not a party named in the case

If you used someone over the age of 18, who is not a named party in the case, to serve the respondent, you are responsible for submitting your original Proof of Service to the Court.

If a restraining order was filed against you, you may respond by completing and filing the appropriate forms included in the response packets found on the Court's website at sdcourt.ca.gov/Civil.

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Types of Restraining Orders

Civil Harassment:
Under California law (Code of Civil Procedure § 527.6), a person who has suffered harassment may seek a temporary restraining order and an injunction prohibiting harassment.

Civil Harassment Restraining Orders differ from *Family Law Domestic Violence Restraining Orders* in that the person doing the harassing has no close family or domestic relationship with the victim. For example, a Civil Harassment Restraining Order applies to a neighbor, roommate, or stranger. **A Domestic Violence Restraining Order is filed in the Family Court** and applies to a current or former husband, wife, boyfriend, girlfriend, or certain other relatives.

You may seek protection if you are worried about your safety because you are being stalked, threatened, harassed, or sexually assaulted. Pursuant to California Code of Civil Procedure § 527.6(b), the course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the victim. The restraining order can be used to prevent personal conduct by the harasser, order the harasser to stay away from the victim, the victim's family, the victim's home/work and/or children's school, and provide for other miscellaneous orders.

Elder and Dependent Adult Abuse:
An elder/dependent adult abuse restraining order applies to a person seeking a protective order who falls within the definition of elder or dependent adult. Under California law (Welfare & Institutions Code § 15657.03), a person who is 65 years of age or older (elder) OR a person who is between 18 and 64 years of age and who has mental or physical limitations that prevent them from carrying out their normal activities (dependent adult), who has been a victim of one or more of the following:

- Physical, financial, mental, or emotional abuse;
- Neglect, abandonment, abduction, or isolation;
- Treatment that has caused physical harm, pain, or mental suffering; OR
- Deprivation by a caregiver of goods or services needed to avoid harm or suffering.

Workplace Violence:
A Workplace Violence TRO is filed by an EMPLOYER to protect an employee (or employees) from unlawful violence, or credible threats of violence, that have or reasonably could take place at the workplace.

Private Postsecondary School Violence:
A Private Postsecondary School Violence TRO is filed by a Chief Administrative Officer (or designee) of a private postsecondary school (i.e., private college or vocational school), to protect a current or potential student (or students) from unlawful violence, or credible threats of violence, that have or reasonably could take place at the school.

Transitional Housing Misconduct:
A Transitional Housing Misconduct TRO is filed by a program operator who is operating a transitional housing program to prohibit abuse or misconduct by a participant.

Gun Violence:
A Gun Violence Restraining Order requires that a person surrender, and prohibits him or her from possessing or purchasing firearms, ammunition, or magazines. Under California law (Pen. Code § 18100 et seq.), upon the showing that a person poses a significant danger, in the near future, of causing personal injury to the subject of the petition or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, a law enforcement officer or immediate family member (as defined in Pen. Code § 422.4(b)(3)) may request an order requiring a person to surrender and prohibiting him or her from possessing or purchasing firearms, ammunition, or magazines. A Gun Violence TRO can be filed by an immediate family member as defined by Penal Code § 422.4(b)(3) or a law enforcement officer.

Gun Violence Emergency Protective Order:
A Gun Violence Emergency Protective Order (GV-EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue GV-EPOs 24 hours a day. A police officer who answers an emergency call may ask a judge for a GV-EPO at any time of the day or night. After a law enforcement officer obtains a GV-EPO, either during business hours or after hours, and once it is served on the restrained person, he or she must file a copy of the GV-EPO form (JC Form #EPO-002) in the business office that processes civil harassment restraining orders at the division where the restrained person resides. A hearing will be scheduled 21 days after issuance of the GV-EPO to determine if a GV-EPO should be issued for one year.

Need help with filing a restraining order?
See the Self-Help Services available on the next page

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Self-Help Services for Restraining Orders

Court-based legal service providers, Legal Aid Society of San Diego and San Diego Volunteer Lawyer Program, offer remote assistance by phone, email, and video conference during the pandemic. **You are encouraged to seek assistance from a legal service provider before visiting the courthouse.** Providers are attorneys and legal professionals who can explain procedures, prepare your forms and write your declaration. Services are provided at no cost.

Legal Aid Society of San Diego (LASSD)

- Remote assistance is available by phone and video conference
- LASSD will prepare your forms and email them to you or to the courthouse for pick up and filing
- 877-534-2524, Ext. 2844

San Diego Volunteer Lawyer Program (SDVLP)

- Remote assistance is available by phone and video conference
- SDVLP will prepare your forms and email them to you or to the courthouse for pick up and filing
- Apply for assistance online by filling out the Restraining Order Screening Form at sdvlp.org
- English: 619-235-5656, Ext. 118
- Spanish: 619-235-5656, Ext. 102

Limited & Unlimited Civil Cases

A limited civil case is a general civil case asking for money up to $25,000.
An unlimited civil case is a general civil case asking for money above $25,000.
E-Filing is available for Civil matters. Find more details at sdcourt.ca.gov/Civil.

In-person services currently available at the Hall of Justice:

The following filings are accepted at the counter:

- Temporary Restraining Orders (Civil Harassment, Elder Abuse, Workplace Violence, Emergency Protective Order, etc.) and related filings
- Claims of Right to Possession or Third Party Claims of Right to Possession
- Ex parte papers for Department 60 (Central Division only)
- Abatement Warrants
- Writ of Election
- All other documents to be time-stamped and dropped in a Drop Box

Viewing of case files, including copies and certifications
Attorney Service messenger pick up and drop off in lockers

In-person services currently available at the North County Courthouse:

The following filings are accepted at the counter:

- Temporary Restraining Orders (Civil Harassment, Elder Abuse, Workplace Violence, Emergency Protective Order, etc.) and related filings
- Abatement Warrants
- All other documents to be time-stamped and dropped in a Drop Box

Viewing of case files, including copies and certifications
Attorney Service messengers pick up and drop off in lockers

Limited & Unlimited Civil Cases
continued

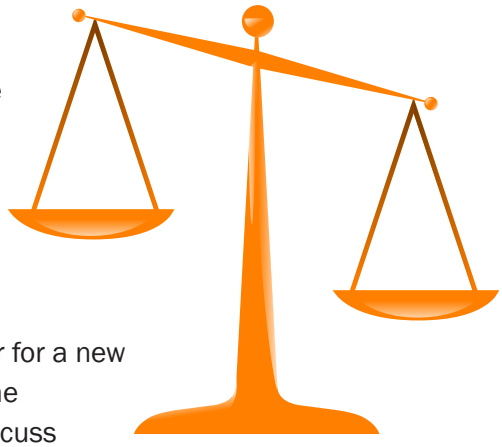
Process for Scheduling an Ex Parte Hearing

For cases assigned to a Civil Independent Calendar (IC) department, you must call the calendar clerk for the department in which your case is assigned. Please refer to the Court's website for department calendar clerk phone numbers. Independent Calendar departments include:

- Hall of Justice: Departments 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, and 75
- North County Regional Center: Departments N-27, N-28, N-29, and N-31

For Non-Independent Calendar departments, you must call the Civil Business Office in the location to which your case is assigned. For Central, the phone number is 619-450-7275. For North County, the phone number is 760-201-8243. Ex parte hearings for cases assigned to the Central Division will be available only on Mondays, Wednesdays, and Fridays. Ex parte hearings for cases assigned to the North County Division will be available only on Tuesdays and Thursdays.

All ex parte hearings will be held remotely/telephonically using CourtCall. Once you have received confirmation from the Court that your ex parte date has been scheduled, you may contact CourtCall to make arrangements.



Informal Discovery

If you want to have an informal discovery conference related to an ongoing discovery dispute either for a motion that was previously set on calendar, or for a new discovery dispute, you should contact the independent calendar clerk for the department to which your case is assigned to set an ex parte hearing to discuss your discovery matter and obtain a referral.

Please note: All informal discovery conference requests require approval from the independent calendar judge to whom your case is assigned. The independent calendar judge to whom your case is assigned can hear your informal discovery conference, or you may ask and/or be referred to one of the overflow Civil judges assigned to informal discovery conferences. The overflow judges who will be hearing the conferences are Hon. Jeffrey B. Barton, Hon. Carolyn M. Caietti, Hon. Kevin A. Enright and Hon. Frederic L. Link.

In preparation for an informal discovery conference, the parties shall each electronically file a brief no more than five pages in length, outlining the areas in dispute at least five days before the informal discovery conference. If the discovery dispute does not resolve informally, the parties' attorneys may stipulate to a dispositive hearing following the informal discovery conference by using the Stipulation for Discovery Determination Following Informal Discovery Conference Form (SDSC Form #CIV-405).

It is anticipated that this hearing will be scheduled promptly, thus resolving the discovery issue. If there is no stipulation and the discovery matter is not resolved, the case is referred back to the independent calendar department for a noticed motion hearing in due course.

Limited Civil matters in Central Department 61 and North County Department 26 are being heard remotely at this time. Find more information about limited civil virtual hearings at sdcourt.ca.gov/Civil.

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Small Claims Cases

A small claims case is a general civil case asking for $10,000 or less.

Small claims cases may be filed at the Hall of Justice, where the following services are available:

- The following filings are accepted at the counter:
  - Dismissals
  - Notice of Change of Address
  - Satisfaction of Judgment
- All other documents are to be time-stamped and dropped in the Drop Box
- Payment of Judgment to the Court
- Viewing of case files, including copies and certifications

All hearing dates in small claims cases have been vacated and will be re-scheduled by the Court. Parties will receive a notice from the Court with the date and time of the re-scheduled hearing, along with information regarding how to appear at the hearing.

Small claims hearings (motions and trials) that were scheduled during the Court's COVID-19 closure will be re-scheduled.

Hearings for small claims matters that were filed on and after May 26, 2020, will be scheduled for future dates.

Small claims hearings are being held remotely at this time.
Find more information about small claims virtual hearings at sdcourt.ca.gov/Civl.

The Small Claims Legal Advisory is preparing to expand its remote services to include live chat and video appointment offerings. In-person self-help services at court facilities will resume at a later date.

Self-Help Services for Small Claims cases

The Small Claims Legal Advisory offers remote assistance by phone and email during the pandemic. **You are encouraged to seek assistance from the Small Claims Legal Advisory before filing paperwork and/or visiting the courthouse.** Services are provided at no cost.

Small Claims Legal Advisory

- Speak to an attorney or paralegal who can explain procedures and assist you with preparing your forms.
- SCLA will transmit your completed forms to you by email
- 858-634-1777
  - Phone Hours: Monday – Friday
  - 8:30 a.m. - 12:30 p.m.
  - 1:30 p.m. - 4:30 p.m.
- Help is available in English & Spanish

Civil

Unlawful Detainer Cases

Unlawful detainer cases, also called evictions, involve a lawsuit in which a landlord tries to evict a tenant because, according to the landlord, the tenant no longer has the right to live on the property.

Unlawful detainer cases may be filed at the Hall of Justice.

All hearing dates in unlawful detainer cases that were scheduled during the Court's closure have been vacated and will be re-scheduled by the Court. Parties will receive a notice from the Court with the date and time of the re-scheduled hearing, along with information regarding how to appear at the hearing.

Due to the COVID-19 emergency, government directives and orders are rapidly changing. For the most current information regarding the moratorium on evictions enacted by local governments, please consult your city's website or the County of San Diego website if you live in an unincorporated area of the county.

The Governor's Executive Order, Emergency Rules, and the City and County Emergency Moratoriums on Evictions do not relieve a tenant from the obligation to pay rent. In addition, the orders do not restrict a landlord's ability to recover rent due.

Self-Help Services for Unlawful Detainer (Landlord-Tenant) cases

Court-based legal service providers, Legal Aid Society of San Diego and San Diego Volunteer Lawyer Program, offers remote assistance by phone, email, and video conference during the pandemic. **You are encouraged to seek assistance from a legal service provider before visiting the courthouse.** Providers are attorneys and legal professionals who can explain procedures and prepare your forms. Services are provided at no cost.

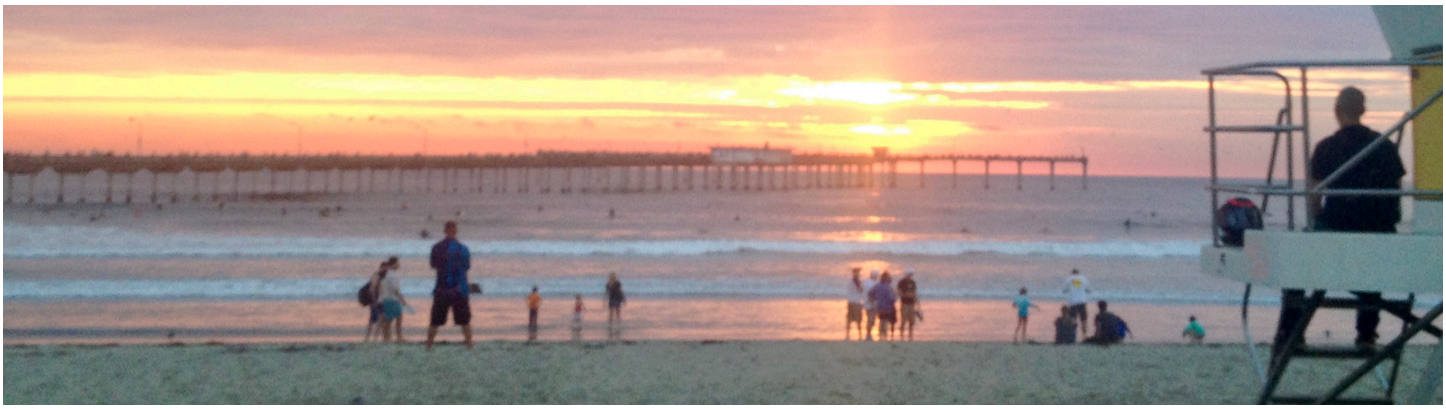
Legal Aid Society of San Diego (LASSD)

- Remote assistance is available by phone and video conference
- LASSD will prepare and email your completed forms to you for filing
- 877-534-2524, Ext. 2844

San Diego Volunteer Lawyer Program (SDVLP)

- Remote assistance is available by phone and video conference
- SDVLP will prepare your forms and email them to you for filing
- Apply for assistance online by filling out the Landlord/Tenant Help Request Form at sdvlp.org
- 619-235-5656, Ext. 127

Unlawful detainer motion hearings are being held remotely at this time.
Find more information about unlawful detainer remote hearings on the Court's website at sdcourt.ca.gov/Civil.
In-person self-help services at court facilities will resume at a later date.



Civil

Name or Gender Changes

Requests for change of name or gender can be filed at the Hall of Justice and the North County Regional Center.

Self-Help Services for Name or Gender Changes

Court-based legal service provider Legal Aid of Society of San Diego offers remote assistance by phone and video conference during the pandemic. **You are encouraged to seek assistance from Legal Aid before visiting the courthouse.** Providers are attorneys and legal professionals who can explain procedures and prepare your forms. Services are provided at no cost.

Legal Aid Society of San Diego (LASSD)

- Remote assistance is available by phone and video conference
- LASSD will prepare your forms and email them to you for filing
- 877-534-2524, Ext. 2844

Habeas Corpus

Process for Bringing a Petition for Writ of Habeas Corpus regarding Quarantine Detention

To challenge an Order from the Public Health Officer to Isolate or Quarantine, a party must file a Petition for Writ of Habeas Corpus re Quarantine Detention (Form SDSC #CIV-401). All such Petitions will be filed and heard in the Central Division of the San Diego Superior Court, Presiding Department. The process is temporary, and has been implemented solely to address the current health and safety issues caused by the COVID-19 pandemic. For additional details, please refer to the Civil Habeas Corpus FAQ document found on the Court's website at sdcourt.ca.gov/coronavirus.