

# Civil

## Locations

Restraining Orders:

- Hall of Justice Regional Center
- East County Regional Center
- North County Regional Center
- South County Regional Center



## 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](https://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](https://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

Assistance with petitions for civil harassment and elder abuse restraining orders is available in-person at courthouse walk-in clinics and remotely by phone and video, through the Legal Aid Society of San Diego (LASSD) and San Diego Volunteer Lawyer Program (SDVLP). Assistance is free and provided on a first-come, first-served basis.

### Legal Aid Society of San Diego (LASSD)

- Hall of Justice, 2<sup>nd</sup> Floor, Room 251
- Clinic Walk-In Hours:
  - Monday – Friday
  - 8:30 a.m. to 12:00 p.m.
- South County Regional Center, 1<sup>st</sup> Floor, Room 158
- Walk-In Hours:
  - Monday – Friday
  - 8:30 a.m. to 12:00 p.m. and 12:30 to 4:00 p.m.

### San Diego Volunteer Lawyer Program (SDVLP)

- North County Regional Center, South Building, 1<sup>st</sup> Floor
  - Apply online by filling out the Restraining Order Screening Form at [sdvlp.org](http://sdvlp.org)
  - Clinic Walk-In Hours:
    - Monday – Friday
    - 8:30 a.m. to 12:00 p.m.
    - Closed 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays
  - Phone Hours:
    - Monday – Friday
    - 12:00 to 5:00 p.m.
  - English: 619-235-5656, Ext. 118
  - Spanish: 619-235-5656, Ext. 102
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