

Local Rules of the Superior Court of California, County of Alameda

Title 5. Family Rules

Chapter 1. General Provisions

Rule 5.27. Emergency rule re domestic violence, elder abuse, gun violence, and civil harassment restraining orders calendared in Department 502 during COVID-19 crisis **[REPEALED]**

~~During the COVID-19 crisis, the Court will accept for filing and process requests for domestic violence, elder abuse, gun violence, and civil harassment restraining orders via drop boxes at the Hayward Hall of Justice and the Rene C. Davidson Courthouse. The Court will also accept such requests via fax filing. The Court will also accept responses to such requests as well as proofs of service by either fax or drop box filing. The Court's handling of requests for restraining orders during the COVID-19 crisis is subject to the following conditions:~~

- ~~(1) The Court will have no or extremely limited ability to hold hearings on these matters. To the extent the Court is able to hold a limited number of hearings, it will be by remote appearance only. The Court will contact parties directly should a restraining order matter be calendared for remote hearing.~~
- ~~(2) Given the limitation on the Court's ability to hold hearings, Department 502 has begun a system of "readiness calls" for pending requests for domestic violence and elder abuse restraining orders:
 - ~~(A) For pending restraining orders where both parties are represented by counsel, the Court will contact both counsel to arrange for a phone conference to attempt to seek resolution of the request or possible modifications of temporary orders as well as discuss scheduling for future hearings.~~
 - ~~(B) For pending restraining orders where both parties have previously appeared or a response has been filed, the Court will schedule a phone conference to determine whether a permanent restraining order is still being sought or whether the Respondent is objecting to the request, then will explain the rules regarding submission of evidence for any future hearing.~~
 - ~~(C) For pending restraining orders where proof of service has been provided and adequate contact information exists for the Respondent, the Court will schedule a phone conference to ascertain whether Petitioner wishes to proceed with the request and whether Respondent objects or not. The Court will advise Petitioner of the DV-116 process and will provide both~~~~

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~~parties with information about possible future telephonic/video appearances~~

- ~~(D) For pending restraining orders where there is no proof of service, the Court will ascertain whether the Petitioner is still requesting a restraining order and provide information regarding how to obtain information to serve the other party.~~

Rule 5.27, which was adopted effective April 20, 2020, and amended April 22, 2020, is repealed effective June 24, 2021; ~~adopted effective April 20, 2020.~~