

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

Title 5. Family Rules

Chapter 1. General Provisions

Rule 5.38. Emergency Rule Regarding Restraining Order Hearings during COVID-19 Crisis

During the COVID-19 crisis, commencing May 4, 2020 and continuing until further order of the Court, the Court will conduct **limited restraining order** hearings **concerning on requests for** domestic violence, elder abuse, civil harassment, workplace violence, and gun violence ~~restraining orders~~. The court's handling of restraining order matters during the COVID-19 crisis is subject to the following conditions:

- (1) ~~All~~ Hearings will be by **in-person or** remote appearance **only as ordered by the Court** ~~(see pursuant to Emergency Local Rule 3.29). The Court may contact the parties directly should a matter be calendared for remote hearing. The Court will provide specific information about how a party is to appear at the remote hearing via notice of hearing or electronically.~~
- (2) Before the hearing, the bench officer may contact the parties to conduct a "readiness" conference. ~~See Emergency Local Rule 5.27(2) for details.~~
- (3) Any documentary evidence that the parties wish the bench officer to consider must be emailed directly to the email of the assigned department and must copy all counsel of record and self-represented parties on that email, at least two court days prior to the hearing, excluding any Saturday, Sunday, or holiday ~~as provided for under Code of Civil Procedure section 135~~. Failure to provide at least two court days' notice of proffered documentary evidence may result in its exclusion. If no email exists for the opposing party or counsel, alternative methods of service must be used (e.g., text, mailing, or instant message). The bench officer will determine the sufficiency of any such alternative service method.
- (4) To the extent any party wishes to submit non-documentary evidence, including but not limited to audio or video evidence, that party must submit a written list describing that evidence directly to the email of the assigned department at least two court days prior to the hearing, excluding any Saturday, Sunday, or holiday ~~as provided for under Code of Civil Procedure section 135~~. All counsel of record and self-represented litigants must be copied on that email. The bench officer will thereafter determine what evidence may be submitted and how it is to be submitted.
- (5) **Absent a court order, p**Parties and counsel are prohibited from making an audio or video recording of the **remote** hearing or the readiness conference.

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Rule 5.38 amended effective June 24, 2021; adopted effective April 22, 2020.