

**DIVISION I
GENERAL AND ADMINISTRATIVE**

**CHAPTER 1
SCOPE OF RULES**

These rules apply to all cases filed in or transferred to the courts of San Diego County.

Rule 1.1.1

Construction, Citation, and Effect of Rules

These rules are known and cited as the “San Diego Superior Court Local Rules” and are at all times supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council and are to be construed and applied so they do not conflict with such rules and statutes. These rules have no retroactive effect or application.

(Adopted 1/1/1998; Rev. 1/1/2000; Rev. 1/1/2004; Renum. 1/1/2006; Rev. 1/1/2023)

Rule 1.1.2

Construction and Application of Rules

These rules will be construed to secure the efficient administration of the business of the court and to promote and facilitate the administration of justice by the court. Division, section, rule, and paragraph headings do not affect the scope, meaning, or intent of the provisions of these rules. If any part of a rule is held invalid, all valid parts that are severable from the invalid parts remain in effect. If a rule is held invalid in one or more of its applications, the rule remains in effect in all valid applications that are severable from the invalid applications. Failure to comply with these rules, or any of the requirements thereof, may result in the imposition of sanctions in accordance with Code of Civil Procedure section 575.2.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 1/1/2006; Rev. 1/1/2024)

Rule 1.1.3

Definition of Words

The definitions set forth in the California Rules of Court for the trial courts apply to these rules with equal force and for all purposes, unless the context or the subject matter requires otherwise.

“Answer” includes response.

“Case management conference” includes what was formerly referred to as “status conference.”

“Complaint” includes cross-complaint and petition.

“County” means the County of San Diego, State of California.

“Court” means the Superior Court of the County of San Diego and includes any judge, commissioner, referee, and temporary judge currently serving on the bench of any division in the county.

“Day” means a calendar day, unless otherwise specified.

“Defendant” includes cross-defendant and respondent.

“Party,” or other designation of a party, includes such party's attorney of record.

“Plaintiff” includes cross-complainant and petitioner.

“Rule” refers to a rule of the San Diego Superior Court, unless otherwise indicated.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2000; Rev. 1/1/2004; Renum. 1/1/2006)

Rule 1.1.4

New, Amended, Repealed Rules

Any rule may be amended or repealed, and new rules may be added by majority vote of the judges of the San Diego Superior Court.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 1/1/2006)

**CHAPTER 2
GENERAL RULES**

Rule 1.2.1

Policy Against Bias and Access to Court Services

It is the policy of the court to provide an environment free of all types of bias, prejudice, any kind of discrimination, or unfair practice, including that based on citizenship status, race, color, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), age, religion, disability: physical or mental, genetic information, marital status, sexual orientation, gender identity and gender expression, AIDS/HIV, medical condition, political activities or affiliations, military or veteran status, or status as a victim of crime or abuse. All judges, commissioners, referees, court officers, and court employees must perform their duties in a manner calculated to prevent any such conduct, either by court personnel or by those appearing in court in any capacity. This rule does not preclude legitimate comment or advocacy when such factors are raised as issues in court proceedings.

To ensure access to the courts for persons with disabilities, the court has appointed ADA coordinators at each of its facilities to address requests for accommodation. Such requests shall be made as far in advance as possible and pursuant to California Rules of Court, rule 1.100. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law. More information about accommodations for disabilities can be found on the court's website, www.sdcourt.ca.gov.

To increase access to limited-English-proficient ("LEP") court users, the court offers language access assistance, including interpreters. Whenever possible given available resources and in accordance with applicable law, the court will provide language access services to LEP court users in all areas of the court. To facilitate efficient scheduling of interpreters, court users are asked to request interpreters as far in advance as possible, and to advise the court as soon as possible when an interpreter is no longer needed. Further information, including information concerning obtaining an interpreter and for making complaints about language access, may be obtained from the Language Access page on the court's website, www.sdcourt.ca.gov. Any violation of the above policies should be reported directly to the presiding judge or executive officer. Any violation of these policies by persons appearing in court should be reported directly to the judicial officer before whom the proceedings were conducted.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2022)

Rule 1.2.2

Departments, Divisions of the Court, and Venue

A. The court consists of all the departments and divisions wherever they may be located and whatever their function. These include all facilities located within the North County, East County, South County, and Central Divisions. The hours of operation are published in the professional and legal newspapers in the county, on the court's website, and posted in each courthouse.

B. In addition to the trial departments of each division, there is a presiding or supervising department and other specialized departments as determined by the presiding judge. The supervising judge at each location is responsible for the administrative and calendar operations of the departments located there and for assignment of proceedings in those cases that are filed there.

C. Except as set forth otherwise below or elsewhere provided in these rules, venue for all cases will be according to the zip codes found on the court's website at <http://www.sdcourt.ca.gov>.

D. The following matters must be filed in the Central Division:

- 1.** Matters now heard on the mental health calendar of the court, including all proceedings under the Lanterman-Petris-Short Act, except permanent conservatorships;
- 2.** The return and filing of indictments; and
- 3.** False claims actions.

E. Venue for Civil Cases. Venue for limited and unlimited civil cases, including collection cases, is divided into two divisions: Central and North County. The East and South County Divisions are included in the Central Division for purposes of these cases. This does not apply to civil harassment and elder or dependent abuse restraining orders, which will be filed in accordance with the zip code list. Venue for unlawful detainer cases will be governed by rule 2.4.2.

F. Venue for Construction Defect Cases. Venue for construction defect cases is divided into two divisions: Central and North County. The East and South County Divisions are included in the Central Division for purposes of these cases. If a case primarily involves construction defect claims, it may be assigned to a judge designated to hear construction defect cases.

G. Venue for CEQA Cases. Venue for CEQA (California Environmental Quality Act) cases is divided into two divisions: Central and North County. The East and South County Divisions are included in the Central Division for purposes of CEQA cases. Original petitions must show the proper venue and be filed in accordance with the zip code list found on the court's website at: <http://www.sdcourt.ca.gov>, and in accordance with this rule.

Pursuant to Public Resources Code section 21167.1(b), CEQA cases will be assigned to a judge designated to hear CEQA matters. A list of CEQA designated judges can be found on the court's website at: <http://www.sdcourt.ca.gov>. If one of the designated judges becomes disqualified for any reason, the case will be reassigned to another CEQA designated judge.

H. Venue for Criminal Cases

1. Generally. Except as otherwise set forth in these rules, the People must file all criminal cases in the division in which the crime is alleged to have occurred, in accordance with the zip code list found on the court's website at <http://www.sdcourt.ca.gov>. The People may make written application to the supervising judge of the division in which the case would be filed in accordance with the zip code list on the court's website, setting forth good cause why that case should not be filed in accordance with this rule.

2. City of Coronado and City of Del Mar Cases. Cases arising in the City of Coronado must be filed in the South County Division, and cases arising in the City of Del Mar must be filed in the North County Division.

I. Venue for Adult Traffic/Minor Offense Cases. Except as set forth in Vehicle Code section 40502, subdivision (b), venue for traffic and minor offense cases charged against adults will be in accordance with the zip code list found on the court's website (<http://www.sdcourt.ca.gov>), except that cases arising in the City of Coronado must be filed in the South County Division, and cases arising in the City of Del Mar must be filed in the North County Division.

J. Venue for Juvenile Traffic/Minor Offense Cases. Venue for traffic and minor offense violations charged against juveniles (under 18 years of age) will be in the Juvenile Court of the Central Division, except the following categories of citations will be accepted for filing in the Adult Traffic and Minor Offense Departments of the respective Court Divisions:

1. All Vehicle Code infraction citations issued to juveniles (under 18 years) that do not involve drugs or alcohol;

2. All Municipal Code and Local Ordinances that involve driving or operation of a motor vehicle;

3. All appeals of parking citations issued to juveniles (under 18 years) and minors (18-21 years);

4. All infractions citations issued to minors (18-21 years) for Business and Professions Code violations involving minors in possession and related alcohol and drug charges; and

5. Citations issued to minors (18-21 years) for Vehicle Code section 23140, subdivision (a), (person under 21 years, driving under the influence of alcohol). See exception noted below.

Exception: Citations issued to minors (18-21 years) for Vehicle Code section 23140, subdivision (a), in the Central Division will be accepted for filing in the Criminal Division downtown.

K. Venue for Juvenile Justice Cases. Venue for all juvenile justice cases initiated by petition will be in the Juvenile Court of the Central Division, except as otherwise set forth in these rules.

L. Venue for Juvenile Dependency Cases and Adoption Cases. Juvenile dependency cases must be filed in the Central, North County, and East County Divisions in accordance with the zip code list that is as agreed upon by the Juvenile Court, Child Welfare Services, and County Counsel. The current list will be maintained by the presiding judge of the Juvenile Court. Adoption cases must be filed as set forth in rule 6.2.1.

M. Venue for Family, Domestic Violence and State Government Child Support Cases. Venue in family law, domestic violence and state government child support cases will be governed by rule 5.1.5.

N. Venue for Probate Cases. Venue in probate cases will be governed by rule 4.1.2.

O. Transfer of Actions. Any action or proceeding may, for good cause shown on motion of a party, and after hearing, be transferred to a different division. Motions and hearings on such transfer must be heard in the court where the action or proceeding is pending. In ruling on such a motion the judge presiding may, in his or her discretion, deny transfer of a case that has been filed in a court not authorized by subsection C above.

The presiding judge, supervising judge, or designee (including any judge assigned for all purposes to a case) may order a transfer at any time without motion or hearing in his or her discretion for reasons stated in the order to transfer. Although transfer will ordinarily be ordered in civil matters at the time of the case management conference or in criminal matters at the time of arraignment, such transfer may be ordered at any time at the discretion of any of the judges set forth above. If the order to transfer is made without a hearing or at a time other than a hearing, any party will be entitled to be heard concerning such transfer if a request for hearing is made to the judge who ordered the transfer within 10 days after notice of transfer.

Whenever, in the discretion of the presiding judge or his or her designee, the criminal calendar in any division has become so congested so as to jeopardize the right of a party to a speedy trial or to interfere with the proper handling

of the judicial business in that division, or for security or calendar management reasons, the judge may order those cases that are to be filed in that division be filed in a different division.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2002; Rev. 1/1/2003; Rev. 1/1/2004; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2010; Rev. 1/1/2013; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2019; Rev. 1/1/2021; Rev. 1/1/2023; Rev. 1/1/2024)

Rule 1.2.3

Policy on Availability of Court Reporters and Electronic Recording

The availability and unavailability of official court reporters is set forth in the Court's Policy Regarding Normal Availability and Unavailability of Official Court Reporters (form SDSC #ADM-317). The Court's current policy is available on its website, www.sdcourt.ca.gov.

The San Diego Superior Court provides electronic recording services in infraction and misdemeanor proceedings. The court may electronically record limited civil proceedings if recording equipment is available. Examples of such proceedings include, but are not limited to: limited unlawful detainer actions, collections actions, and small claims trials. Otherwise, The San Diego Superior Court will not regularly provide electronic recording of hearings on motions in limited civil proceedings. Matters will not otherwise be recorded, unless ordered by the court.

A party who has been granted a waiver of court fees and costs may request the services of an official court reporter for a proceeding for which a reporter is not normally available and for which an electronic recording is not provided. Such a request should be made using the Request for Court Reporter by a Party with a Fee Waiver form (SDSC Form #ADM-379), available on the court's website, www.sdcourt.ca.gov, and must be filed with the clerk at least 10 days before the proceeding. If the requesting party received less than 10 days' notice of the hearing or trial, the requesting party must file the request as soon as practicable. Party(ies) to the case who do not qualify for a waiver of fees may be responsible for a pro rata share of the fees. The clerk will notify the requestor as soon as possible if an official court reporter will not be available. The court does not provide court reporter transcripts free of charge.

A party who has not received a fee waiver pursuant to California Rules of Court, rule 3.55(7) and who seeks a verbatim record should arrange for a certified shorthand reporter to serve as an official pro tempore reporter, unless the proceedings are electronically recorded by the court in which case the electronic recording is the official verbatim recording of the proceeding as provided in Government Code section 69957, and California Rules of Court, rules 2.952 and 2.956(c). The party desiring a court reporter's services for a proceeding for which the court does not make an official court reporter available may arrange for the appointment of a court approved official reporter pro tempore from a list maintained by the court, or may, by stipulation, arrange for the appointment of a privately retained certified shorthand reporter, in accordance with the procedures posted on the court's website and available in the clerk's office. If an arrangement for a court reporter is made under this subdivision, it is the responsibility of the arranging party or parties to pay the reporter's fee for attendance at the proceedings and any resulting official transcript of the proceedings. (Adopted 1/1/2020; Rev. 1/1/2021)

CHAPTER 3 EXECUTIVE OFFICER OF THE COURT

Rule 1.3.1

Appointment, Powers, and Duties

A majority of the judges of the court may appoint a court executive officer pursuant to section 71620 of the Government Code who also acts as jury commissioner and clerk of the court. Any reference in these rules, the California Rules of Court, or statutes, to the executive officer, clerk of the court, or jury commissioner refers to the executive officer who functions in each of these capacities.

The powers, duties, and responsibilities transferred from the county clerk to the court executive officer pursuant to this rule include all of those performed by the county clerk with respect to court actions, proceedings, and records.

The county clerk is hereby relieved of any obligation imposed by law with respect to the above powers, duties, and responsibilities. This rule does not transfer from the county clerk to the court executive officer obligations in reference to the issuance of marriage licenses or the filing of fictitious business names.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006)

**CHAPTER 4
MISCELLANEOUS PROVISIONS**

Rule 1.4.1

Records

Nothing on file in any court may be taken out of the clerk's office or the civil business office unless it is going to a courtroom or chambers of a judge.

(Adopted 1/1/1998; Renum. 7/1/2001; Renum. 1/1/2006)

Rule 1.4.2

Exhibits

Evidence admitted in any case before any court will be only those items required in the case and will be retained by the court for the minimum time required by law, unless good cause is shown to retain the evidence longer. No exhibit will be received by any court if the exhibit poses a security, storage, safety, or health problem.

A. Exhibits which will not be received include but are not limited to:

1. Any type of explosive powder;
2. Explosive chemicals, toluene, ethane;
3. Explosive devices, such as grenades or pipe bombs;
4. Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, ethyl-ether;
5. Canisters containing tear gas, mace;
6. Rags which have been soaked with flammable liquids;
7. Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine; and
8. Samples of any bodily fluids, liquid or dried.

B. Exhibits which will not be accepted by the exhibits custodian, and which will be ordered returned to the submitting party at the conclusion of the trial or hearing at which the exhibit was received, include:

1. Containers with liquid substances that are not clearly marked and identified as to type and amount;
2. Hypodermic needles unless placed in containers which will safeguard personnel;
3. Foam-core boards or substantially similar material used for displaying exhibits such as, but not limited to, photographs, charts, drawings or maps;
4. Large or irregularly shaped objects that do not fit in a records box that is 12 x 10 x 15 inches or smaller;
5. Firearms or ammunition of any kind;
6. Drugs; and
7. Money.

Applications for exceptions to this rule regarding large or irregularly shaped objects, firearms, firearms ammunition, drugs, or money shall be made in writing to the Criminal Supervising Judge or his or her designee, with notice to the branch court's exhibits custodian and all parties. All exhibits must be individually tagged with the proper exhibit tag. Each exhibit tag must be properly completed and securely attached to the exhibit. Any exhibit improperly tagged, marked, weighed, or otherwise identified will not be accepted by any court. Original photographs must be substituted for any photographically enlarged exhibits.

If any exhibit is ordered returned to the submitting party, the submitting party shall provide the court with a full and complete photographic or electronic record of the exhibit. The court will retain the photographic or electronic record along with the other trial/hearing exhibits. The submitting party shall be responsible for maintenance, custody, and safekeeping of the returned exhibit until 60 days after the case becomes final as defined by Penal Code § 1417.1. All exhibit tags and other identifying markings shall remain in place during this period. The submitting party shall maintain a record of anyone, other than the counsel of record or his or her staff, who views or handles the exhibit. In the event the exhibit is requested for further proceedings by any court having jurisdiction over the case, the submitting party shall contact the requesting court and make arrangements for the delivery of said exhibit, with notice to this court and all counsel of record.

Only attorneys of record and court employees may view the exhibits; all other interested persons must obtain an order of the court. Viewing must take place in the presence of an exhibit custodian. Exhibits may not be altered or taken apart, except by court order. If the court issues an order permitting the copying of exhibits, all exhibits may be copied regardless of format (e.g., paper, photograph, DVD, CD, audiotape, videotape) unless copying of a specific exhibit, or use of a particular type of copying equipment, is prohibited by law or court order.

Attorneys, investigators, law enforcement agencies, and other interested parties may seek temporary release of exhibits for copying or laboratory testing. A stipulation and court order is required in all instances, except a stipulation

is not required in civil cases. The party seeking the release must present a certified copy of a signed stipulation and order to the exhibit custodian. The order must include the case number, names of the parties, name and telephone number of the person to whom the exhibits are to be released, a description of the exhibits, and the date the exhibits are to be returned.

Exhibits in a criminal matter may be released for use in a civil action brought by the victim of the crime. To obtain such exhibits, the party in the civil action must submit a stipulation signed by the prosecutor and criminal defense counsel (including appellate counsel if applicable), a declaration, and certified copy of an order signed by the judge. The stipulation must bear the criminal case caption and number, and reference the civil case by name and number.

Unless specifically ordered by the court, all exhibits marked, identified and/or admitted into evidence in a civil case must be retrieved by the offering party at the conclusion of trial. The party introducing the exhibit is responsible for maintaining and preserving that exhibit pending any post-verdict proceedings and appeals, until there is a final disposition of the action or proceeding. All exhibit tags and other identifying markings or information concerning each exhibit must remain in place and not be disturbed. Each exhibit must remain intact and in the same condition as during trial. In the event further proceedings of any court having jurisdiction of the matter require the presence of any exhibit, the party introducing the exhibit must promptly deliver the exhibit to the court, with notice to all parties.

(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 7/1/2002; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2011; Rev. 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 1.4.3

Jury Lists

The jury master list for the Central Division will be comprised of those jurors residing in any of the filing districts.

The jury master list for the East, North and South County Divisions will be comprised of those jurors residing in the filing district as determined by zip code that corresponds with the division in which the juror lives. The [Zip Code List](http://www.sdcourt.ca.gov) may be accessed under the forms section of the court's internet site at <http://www.sdcourt.ca.gov>.

The jury master list will be drawn so that all eligible persons have an equal chance of being selected for the court division in which they reside regardless of their place of residence. The Jury Commissioner or his or her designee may grant a temporary excuse from jury service to a prospective juror who has served on a grand or trial jury in any state or federal court during the previous 36 months. A prospective juror who was summoned and appeared for jury service in any state or federal court during the previous 12 months will be temporarily excused from jury service, upon request. (Adopted 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2016)

Rule 1.4.4

Appointment of Counsel Under the Servicemembers Civil Relief Act

If the plaintiff or defendant in an action is in the military service, the Servicemembers Civil Relief Act ("the Act") may apply. (50 U.S.C. §3901-4043.)

A. If the defendant servicemember has not made an appearance:

1. The court may not enter a default judgment or an order of default on the merits unless the court appoints an attorney for the defendant. Default means any order, ruling or decree which is adverse to the servicemember's interest. Actions taken by the appointed attorney do not bind the servicemember or waive any defenses (including lack of jurisdiction) unless the servicemember has authorized action.

2. The court must grant a 90-day or longer initial stay if there may be a defense to the proceeding which the servicemember cannot present without being present, or if after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

3. After the 90-day stay, the court must appoint an attorney to represent the servicemember in the action or proceeding if it refuses to grant an additional stay.

4. If the court does enter a default, plaintiff may be required to file a bond to indemnify the responding servicemember if the order is later set aside.

5. If the court enters a default judgment during a period of military service (or within 60 days after the end of service), the court must reopen the judgment to allow the servicemember to defend if:

a. The service member was materially affected due to military service in asserting a defense, and

b. The service member has a meritorious or legal defense to the action or some part of it, so long as the application is filed within 90 days after the end of military service.

B. If the plaintiff or defendant servicemember has received notice of the proceeding:

1. The court may, on its own motion, stay the action for a minimum 90 day stay.

2. The court must grant a minimum 90-day stay of the proceedings if the servicemember communicates that military duty requirements materially affect the servicemember's ability to appear, stating a date when the servicemember will be available, and if the servicemember's commanding officer communicates that the servicemember's current military duties prevent an appearance and leave is not authorized at the time of the hearing.

3. The servicemember may apply for an additional stay in the same manner as the original request. If the court refuses to grant the additional stay, the court must appoint counsel to represent the servicemember in the proceeding. In cases where an attorney is appointed and the attorney is unable to locate and/or secure the servicemember's agreement to representation, actions by the attorney must not waive any defense of the servicemember or otherwise bind the servicemember. Any actions taken by the attorney appointed pursuant to an order under the Act do not constitute an appearance for jurisdictional purposes and do not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

C. Miscellaneous.

1. Appointments of counsel under the Act are pro bono.

2. Any individual holding a power of attorney from the servicemember may appear in court on his or her behalf to request a stay or additional stay.

3. A request for a stay does not constitute a general appearance for jurisdictional purposes or a waiver of substantive or procedural defenses.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Renum. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2020)

Rule 1.4.5

Communication and Coordination Regarding Criminal Protective Orders and Restraining Orders (California Rules of Court, rule 5.445)

A. Definition and Purpose.

The definitions and purpose of this local rule are set forth in the California Rules of Court, rule 5.445.

B. Communication and Coordination.

1. The court will ensure that clerks assigned to departments that hear criminal protective and restraining orders and child custody and visitation orders, will receive training in the use of the San Diego County Sheriff's Restraining Order Index so that judicial officers have access to existing restraining orders issued in the court upon request.

2. Courts responsible for hearing criminal protective orders and courts issuing orders relating to child custody and visitation that involve the same parties are encouraged to communicate and share information in order to coordinate terms of the orders with a goal towards ensuring the safety of all parties involved in those proceedings. (Cal. Rules of Court, rule 5.445(c)(3), Pen. Code, § 136.2(f).) This rule does not abrogate any requirement that a court considering modifying an order set the matter for hearing and share the information with the parties.

C. Notice by Parties to Court Handling Protective or Restraining Orders

1. **Duties of Self-Represented Parties and Attorneys in Family Law, Dependency and Probate Guardianship Cases.** All self-represented parties and attorneys must inform the judicial officer hearing any temporary or permanent domestic violence, family, civil harassment, juvenile, or elder abuse (i.e., "personal conduct") restraining order, or any hearing involving child custody and visitation of the existence of any temporary or permanent personal conduct restraining order, criminal protective order, or order regarding child custody and visitation, that involves any party to the case pending before that court. The parties must also provide the court with a copy of the restraining order and have a continuing duty to update the court regarding the status of such orders.

2. **Prosecuting Attorney's Duty.** The prosecuting attorney must investigate and disclose to the judicial officer hearing any criminal case in which a temporary or permanent criminal protective order is sought or issued, of the existence of any temporary or permanent domestic violence, family, civil harassment, juvenile or elder abuse (i.e., "personal conduct") restraining order that involves any party to the criminal case.

D. Modification of Criminal Protective Order. To request a modification of a criminal protective order, counsel or a litigant must file a Petition to Modify a Domestic Violence Protective Order (SDSC Form #CRM-248), which will then be calendared in a department that hears such matters.

1. In Central, the petitions for misdemeanor cases must be filed in Criminal Business Office 250 and the hearings will be set in Department 1104.

The petitions for felony cases must be filed in Criminal Business Office 150 and the hearings will be set in the appropriate department.

2. In North County, the petition must be filed and the hearing scheduled in the Business Office, and the hearing will be set in Department 1 for misdemeanors and in Department 5 for felonies.

3. In South County, the petition must be filed in the Business Office and the hearing will be set in Department 12.

4. In East County, the petition must be filed in the Business Office and the hearing will be scheduled in a calendaring department.

(Adopted 1/1/2015; Rev. 1/1/2018)