

**FILED**  
Clerk of the Superior Court

**DEC 27 2023**

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SAN DIEGO**

**IN RE SEARCH OF CRIMINAL  
BACKGROUND INFORMATION AND  
NOTIFICATION TO LAW  
ENFORCEMENT IN DOMESTIC  
VIOLENCE RESTRAINING ORDER  
MATTERS**

**GENERAL ORDER OF THE  
PRESIDING DEPARTMENT**

**ORDER NO. 010124-29**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

Pursuant to Family Code section 6306, prior to a hearing on the issuance, renewal, or denial of a request for a Domestic Violence Prevention Act restraining order, or when determining temporary custody and visitation orders, courts are required to ensure that a search is conducted to determine if the person to be restrained has any: prior criminal convictions for a violent felony specified in Penal Code section 667.5 or a serious felony specified in Penal Code section 1192.7; prior misdemeanor convictions involving domestic violence, weapons, or other violence; outstanding warrants; registered firearms; prior restraining orders; violations of prior restraining orders; or is currently on parole or probation. (Fam. Code, § 6306 (a).)

If the results of the search reveal that the person to be restrained has an outstanding warrant, is currently on parole or probation, and/or owns a registered firearm or ammunition and the court makes a finding that the firearm/ammunition has not been relinquished as required, the court must order the clerk to immediately notify, by the most effective means available, the appropriate law enforcement

1 officials, including the appropriate parole or probation officer, of the issuance and contents of any  
2 protective order and of any other information obtained through the search that the court determines  
3 appropriate. (Fam. Code, § 6306 (e), (f).)

4 The court's Background Investigation Unit ("BIU") is the authorized department conducting  
5 the requisite criminal background searches for domestic violence restraining order matters. To ensure  
6 prompt notification to law enforcement, the court orders the clerks of the BIU to immediately notify  
7 the appropriate law enforcement officials, as provided in Family Code section 6306, if the results of a  
8 search reveal that the restrained party has an outstanding warrant or is currently on parole or probation.

9 Nothing in this order precludes additional notification to law enforcement as ordered by the  
10 judicial officer assigned to the domestic violence matter.

11 This order shall become effective on January 1, 2024, and expire on December 31, 2024, unless  
12 otherwise ordered by this court.

13 IT IS SO ORDERED.

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15 DATED: December 27, 2023

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17 **HONORABLE MICHAEL T. SMYTH**  
18 **PRESIDING JUDGE**

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