

**Riverside Superior Court
Title 1 – General
Proposed Local Rule Changes Effective July 1, 2018**

[Rule 1030

Court Communication Protocol for Protective Orders and Child Custody and Visitation Orders

This Rule sets forth the court communication protocol for protective orders and child custody and visitation orders as required by California Rule of Court 5.445.

A. “Protective Order” as used in this section means:

- 1. Any court order issued pursuant to Family Code Sections regarding protective orders or restraining orders including, but not limited to, Sections 6320, 6321, and 6322;**
- 2. Any court order issued pursuant to Code of Civil Procedure Sections regarding protective orders or restraining orders including, but not limited to, Sections 527.6, 527.8 and 527.85;**
- 3. Any court order issued pursuant to Welfare and Institutions Code Sections regarding protective orders or restraining orders including, but not limited to, Section 15657.03;**
- 4. Any court order issued pursuant to Penal Code Sections regarding protective orders or restraining orders including, but not limited to, Section 136.2; or**
- 5. Any order issued by another state, tribe, or jurisdiction that is recognized under Section 6400 et seq. of the Family Code.**
- 6. For purposes of this rule, the terms “restraining order” and “protective order” are used interchangeably and this rule applies equally to an order issued using either term.**

B. Communication and coordination regarding Protective Orders and child custody and visitation orders:

- 1. At any hearing involving a Protective Order, child custody, visitation or guardianship, all parties or their attorneys must inform the judicial officer of any preexisting Protective Order, or order regarding child custody and visitation that involves any party to the case pending before the Court. The parties or their attorneys must also provide the court with a copy of any such preexisting orders, and must update the Court regarding the status of all such orders at any subsequent hearings, should the status of the preexisting orders change.**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

2. **Before issuing a Protective Order, the issuing Court shall make reasonable efforts to determine whether there are minor children of the relationship between the victim and the restrained person, and shall review available databases to determine whether there are existing orders, including custody and/or visitation orders, involving the defendant/restrained person, the victim/protected person, and/or the minor children. The issuing Court shall also consider whether peaceful contact with the protected person(s) should be allowed so the restrained person may have custody of and/or visitation with the minor children. In setting the terms of the Protective Order, the issuing Court may consider the existence and/or terms of any child custody or visitation orders involving the minor children co-parented by the protected person(s) and the defendant/restrained person.**
3. **Before setting terms of child custody or visitation, the family, juvenile or probate court setting such terms shall make reasonable efforts to determine whether any person seeking custody or visitation is subject to a Protective Order involving a co-parent or another person seeking custody/visitation, and/or the children. The family, juvenile, or probate court setting such terms shall also make reasonable efforts to determine whether there are pre-existing custody or visitation orders involving the children.**
4. **The Court shall maintain a procedure to be used when a request for a Protective Order is filed, to help determine whether the party to be restrained is involved in other cases involving Protective Orders or custody or visitation orders. This internal Court procedure is not a substitute for the requirement that the parties inform the Court of preexisting orders involving any party to the newly filed case pending before the Court.**

C. Modification of Criminal Protective Orders

1. **Modification of an existing Protective Order issued by the Criminal Court may be sought by a person named in the subject Protective Order, or by a judicial officer presiding over a family, juvenile, or probate case involving persons named in the subject Protective Order.**
 - a. **A person seeking to modify an existing Protective Order issued by the Criminal Court in which that person is named may calendar the matter for hearing with the Criminal Court. The person seeking modification shall provide written notice of the request for modification to the Court, the District Attorney, the Defendant, and Defendant's counsel.**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

