



Chambers of
C. ROBERT JAMESON
PRESIDING JUDGE

Superior Court of California County of Orange

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October 26, 2000

Superior Court of California

County of Orange

ADMINISTRATIVE ORDER NO. 00/2

TO: All Judges, Commissioners, and Referees

SUBJECT: Orange County Superior Court Administrative Order 00/2

Re: Emergency Protective Orders

CALIFORNIA FAMILY CODE Section 6240 et seq. provides the statutory authority for the issuance of "Emergency Protective Orders" more commonly referred to as "EPOs". Said code sections define specific requirements and relationships which must be established before an Emergency Protective Order can be issued. Sections 6270 through 6273 of the CALIFORNIA FAMILY CODE specifically dictate the duties of the law enforcement officer requesting the Emergency Protective Order. Sections 166.4 and Section 273.6 of the CALIFORNIA PENAL CODE provide the remedies for the law enforcement officer if there is a violation of the Emergency Protective Order. Section 6272 of the CALIFORNIA FAMILY CODE provides the applicable law enforcement officer shall not be civilly or criminally liable if he or she acts in "good faith" during the Emergency Protective Order process.

CALIFORNIA CODE OF CIVIL PROCEDURE Section 527.6 et seq. provide the statutory authority for the issuance of protective orders regarding "Civil Harassment" or "Workplace Harassment". CALIFORNIA PENAL CODE Section 646.91 (d) provides the statutory authority for the issuance of Emergency Protective Orders in "Civil Harassment" and "Workplace Harassment" situations. CALIFORNIA PENAL CODE Section 646.91(a) provides an Emergency Protective Order may be issued in situations involving "Stalking".

WHEREFORE THE COURT ORDERS:

1. Effective November 1, 2000 at 6:30 a.m., Judicial Hearing Officers shall assume administrative responsibility for issuing Emergency Protective Orders.

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2. The issuance of the Emergency Protective Orders by Judicial Hearing Officers shall be under the direction of the Presiding Judge or other judicial officer as may be designated by the Presiding Judge or Assistant Presiding Judge.
3. The issuance of an Emergency Protective Order by a Judicial Hearing Officer shall have the same force and effect as if issued by the court.
4. In issuing Emergency Protective Orders, Judicial Hearing Officers shall follow the same guidelines and policies currently utilized by Judges and Commissioners
5. Judicial Hearing Officers shall be completely immune from liability concerning the issuance or non-issuance of an Emergency Protective Order.
6. Judicial Hearing Officers are responsible for remaining current on all legislative changes impacting the issues of Domestic Violence and the related issuance of Emergency Protective Orders.
7. The assumption of the Emergency Protective Order duty by the Judicial Hearing Officers shall have no effect on any other "On Call" or "Duty Judge" requirements of the bench officers.
8. At the present time, it is anticipated that a Judicial Hearing Officer will be on-site in their office from 6:30 a.m. until 6:30 p.m., 7 days a week, 365 days a year. From 6:30 p.m. until 6:30 a.m., one Judicial Hearing Officer will be "On Call" for the purpose of issuing Emergency Protective Orders. Consistent with the availability of staff, these hours may be extended or modified as reasonably necessary to provide adequate on-site coverage.
9. Judicial Hearing Officers, whether permanent or extra help, shall be entitled to such additional compensation as defined or permitted in the "Personnel, Policies and Regulations" manual. Such additional compensation includes, but is not limited to, holiday pay, night shift differential and on-call pay.
10. The Orange County Superior Court shall provide Judicial Hearing Officers with serviceable equipment including cell phones and paging units.
11. Judicial Hearing Officers shall timely notify all Orange County law enforcement agencies of the present changes and any future changes in the issuance of Emergency Protective Orders.

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12. Judicial Hearing Officers shall provide the Detention Release unit with a copy of the Judicial Hearing Officer's "On Call" schedule in order that the Detention Release unit may reach the applicable "On Call" Judicial Hearing Officer.
13. The assumption of the issuance of the Emergency Protective Orders by the Judicial hearing Officers in no way effects their duties to conduct ex-parte Probable Cause Hearings.

Dated this ___26th___ day of October, 2000, at Santa Ana, California.

C. ROBERT JAMESON
Presiding Judge