



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 15, 2019

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Title	Agenda Item Type
Rules and Forms: Family Law Forms: Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form DV-630	January 22, 2019
Recommended by	Date of Report
Judicial Council staff	November 14, 2018
Gregory Tanaka, Supervising Attorney Center for Families, Children & the Courts	Contact Gregory Tanaka, 415-865-7671 gregory.tanaka@jud.ca.gov

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### Executive Summary

Judicial Council staff have identified errors that are technical in nature in a Judicial Council protective order form. They recommend making the necessary corrections to avoid confusion for court staff, judicial officers, and members of the public who use the form.

### Recommendation

Judicial Council staff recommend that the Judicial Council, effective January 22, 2019, revise *Order to Register Canadian Domestic Violence Protective/Restraining Order* (form DV-630) to:

1. Include the California Law Enforcement Telecommunications System (CLETS) entry code, CLETS-OSC, in the footer of each page;
2. Add “Approved by DOJ” in the footer of page 1; and
3. Add “Province,” “Country,” and “Postal Code” to items 1 and 2 on page 1 to be inclusive of Canadian address information.
4. Replace text above case number caption on page 1 (“*Fills in case number:*”) with “*Court fills in case number when form is filed.*”

The text of the revised form is attached at pages 3–4.

## **Relevant Previous Council Action**

Form DV-630 was approved as a new mandatory form by the Judicial Council at its meeting on September 21, 2018, to implement Senate Bill 204 (Stats. 2017, ch. 98), allowing for domestic violence protective orders issued in a Canadian civil court to be registered and enforced in California. The council adopted the recommended form, effective January 1, 2019.<sup>1</sup>

## **Analysis/Rationale**

The proposed changes to the form are technical in nature and necessary to correct information that was unintentionally omitted.

## **Policy implications**

The technical changes recommended to form DV-630 provide for continued effective and consistent procedures in the entry of protective orders into CLETS. The omission of the CLETS code, assigned by the Department of Justice (DOJ), could cause confusion in the entry of registered protective orders into CLETS. The addition of address information that is used in Canada will make the form inclusive of protected and restrained persons who may reside in that country. The replacement language above the case number caption was inadvertently omitted and clarifies the meaning of the sentence to avoid confusion.

## **Comments**

This proposal was not circulated for comment because it recommends a noncontroversial, technical revision, and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

## **Alternatives considered**

Staff considered delaying the recommendation but concluded that the form needs to be changed as soon as possible, given the urgent policy implications noted above.

## **Fiscal and Operational Impacts**

Operational impacts are expected to be minor. The proposed revisions may result in some costs to the courts to replace the prior version of the form, both in paper and electronic systems.

## **Attachments and Links**

1. Form DV-630, at pages 3–4

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<sup>1</sup> The Judicial Council report is available at <https://jcc.legistar.com/View.ashx?M=F&ID=6612526&GUID=BCF98E30-B026-4C9E-8CF8-E1E16C71C73E>.

*Instructions: Use this form to register a civil Canadian domestic violence or family violence protective/restraining order in California. Registration means that the order will be entered into a database that all law enforcement in California can view. Although registration is not required for the order to be enforced, it is helpful to have the order in the database. There is no fee to file this form. A certified copy of the order must be submitted with this form. The order must have been issued in English.*

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED  
BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

### 1 Information About the Person Registering the Protective/Restraining Order:

a. My Name: \_\_\_\_\_

- b. ☐ I do not have a lawyer for this case (fill in items c–f below).  
☐ I have a lawyer for this case (fill in your lawyer's information below and for items c–e):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

- c. Address (If you want to keep your home address private, give a different mailing address instead.):

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Zip/Postal Code: \_\_\_\_\_ Country: \_\_\_\_\_

d. Telephone (optional): \_\_\_\_\_

e. E-mail Address (optional): \_\_\_\_\_

f. I am (check one):

- ☐ protected by the attached order.  
☐ restrained by the attached order.  
☐ a legal guardian of a minor protected by the attached order.  
☐ other (specify): \_\_\_\_\_

### 2 Restrained Person

Full Name: \_\_\_\_\_

Sex: ☐ M ☐ F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Zip/Postal Code: \_\_\_\_\_ Country: \_\_\_\_\_

Relationship to protected person: \_\_\_\_\_

### 3 To the best of my knowledge, the attached order:

- Is a certified copy of a Canadian protective/restraining order.
- Was issued in English by a civil (noncriminal) court in Canada.
- Was made because of domestic violence or family violence.
- Is currently valid and in effect.
- Has not been changed, canceled, or replaced by another court order.
- Expires on (date): \_\_\_\_\_  
month/day/year

**This is a Court Order.**

- 4 I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunications System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Sign your name*

*(To be completed by court)*

The attached Canadian Domestic Violence Protective/Restraining Order is registered and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

### **Court Clerk Must Seal This Form and Attached Foreign Protection Order**

This form sets forth the procedure to register a foreign protection order under Family Code section 6404:

1. No fee may be charged for the registration of the foreign protection order.
2. No court hearing is required to register the foreign protection order.
3. The case file containing this form and the attached foreign protection order must be sealed under Family Code section 6404(a).
4. Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or on further order of the court.

*(Clerk will fill out this part.)*

#### **—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Order to Register Canadian Domestic Violence Protective/Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**