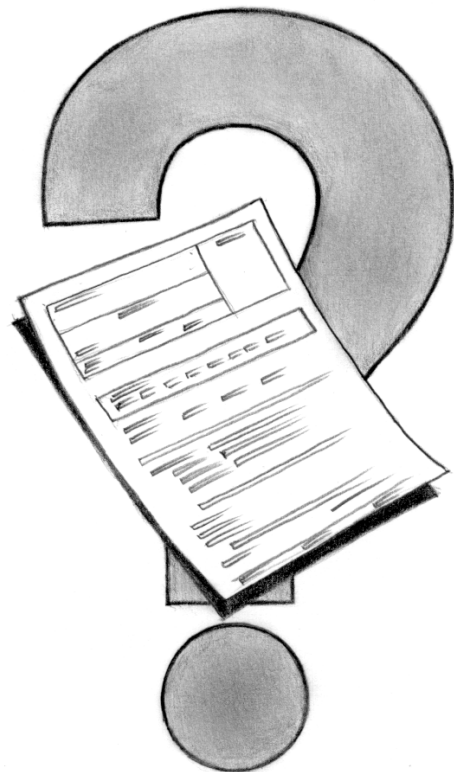


Criminal Protective Order

How does a Criminal Protective Order help me?



What is a “Criminal Protective Order”?

It is a court order that protects you from the defendant in a criminal case.

How does it protect me?

If you or your children were witnesses or victims of violence, the defendant must not:

- contact or go near you or the children *or*
- have a gun

How long does it last?

Look at the bottom of form MC-220, #7. This is the date your order ends.

What about my children?

The Criminal Protective Order is not for custody, visitation, or child support. You can ask for these things in family court.

NAME OF COURT AND DISTRICT, BRANCH, OR DIVISION, IF ANY:

PEOPLE OF THE STATE OF CALIFORNIA
vs.
DEFENDANT:

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2)

ORDER PENDING TRIAL MODIFICATION
 ORDER POST TRIAL PROBATION CONDITION

THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER

PERSON TO BE RESTRAINED (Name):
Sex: M F Ht.: _____ Wt.: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ Date of Birth: _____
 The defendant is a peace officer with _____ Department.

1. This proceeding was heard on (date): _____ at (time): _____ by judicial officer (name): _____ in Dept.: _____ Room: _____
2. Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.

GOOD CAUSE APPEARING, THE COURT ORDERS

3. The above-named defendant

a. shall not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.

b. shall not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.

c. must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within

(1) 24 hours after issuance of this order
(2) 48 hours after service of this order
(3) other (specify): _____

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

d. shall have no personal, telephonic, or written contact with the protected persons named below.

e. shall have no contact with the protected persons named below through a third party, except an attorney of record.

f. shall not come within _____ yards of the protected persons named below.

g. shall have peaceful contact with the protected persons named above for court-ordered visitation as ordered in prior or subsequent Family Court and Juvenile Court orders as an exemption to the "no contact" and "stay away" provisions of this order.

4. The protected person may record any prohibited communications made to him or her by the restrained person.

5. NAMES OF PROTECTED PERSONS:

6. Other orders including stay-away orders from specific locations:

7. This order expires on (specify date): _____
If no date is listed, this order expires three years from the date of issuance.
Date: _____

Form Adopted for Mandatory Use
Judicial Council of California
MC-220 (Rev. January 1, 2001)

(See warnings on reverse)

JUDICIAL OFFICER Department/Division: _____

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2)

Penal Code, §§ 136.2, 166
Form Approved by
Department of Justice

(Distribution: original to file; 1 copy to each protected person; 1 copy to defendant; 1 copy to prosecutor; 1 copy to law enforcement)

What if the defendant doesn't obey the order?

He or she can be arrested and charged with a crime.

What if I don't want the order?

Tell the District Attorney (D.A.) and the judge. But the judge may issue the order anyway.

Can I agree with the defendant to cancel the order?

No. Only the judge can change or cancel the order.

Is the order valid outside of California?

Yes. The order is valid all over the United States, including U.S. territories and Indian lands. If you leave California, contact your new state's court or local police department. Ask them how they will enforce your order.

What if I don't have a green card?

The order is valid whether you have a green card or not.

How can I find out when the defendant gets out of jail?

Tell the police or the D.A. that you want to know when the defendant gets out of jail. Call your local probation department or sheriff and ask when the defendant will get out.

Should I call 911?

Call 911 if you are in danger or afraid, or if the defendant violated a restraining order. When the police come, tell them what happened. Tell them about any restraining orders, injuries, threats, and weapons, and if there were witnesses.

What will the police do?

They will investigate and write an "incident report." You can get a free copy from the police department.

Will the police make an arrest?

If the police think a crime was committed, they can make an arrest. If they think the defendant violated a protective order, they must arrest him or her. If they do not make an arrest, you can ask the DA to file criminal charges instead.

What if I was raped?

Call the police. Don't wash yourself or your clothing until after the police come. Sexual assault is a crime, even if the defendant is your spouse or someone you know.

Can I sue the defendant?

Yes. You can sue for medical costs, lost wages, or other costs related to the abuse. Go to family court for help. You can also sue for money. Talk to a lawyer.

Can I get more legal protection?

Yes. Ask for a Civil Restraining Order in family court. The judge can order the defendant to:

- stay away from you, your children, relatives, or others who live with you
- follow child custody, visitation, and child support orders
- not contact you
- pay certain bills
- move out of your house
- go to counseling

Need more help?

Call Victim Witness Assistance at **1-800-777-9229**

They will help you get money for medical bills, lost wages, and counseling for you and your children. They can also get you food, clothing, a place to stay, transportation, and someone to be with you in court.

Need more information?

- Go to: www.courtinfo.ca.gov/selfhelp
- Call the National Domestic Violence Hotline (24 hours):

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

Produced by:

Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

www.courtinfo.ca.gov/programs/cfcc

Brochure funded by the California Department of Health Services, Interagency Agreement No. 99-86072

Criminal-Victim
English
Use with MC-220. 01-03 New 11/01/01