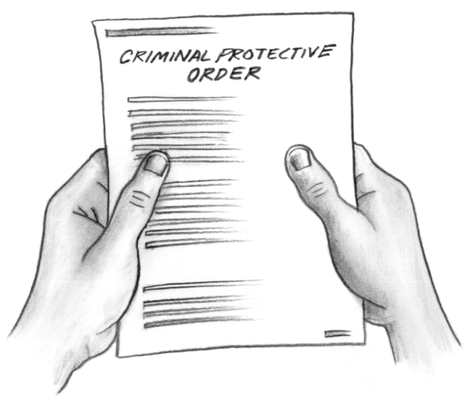
Criminal Protective Order

A Criminal Protective Order was issued against me.



What is a "Criminal Protective Order"?

It is a court order issued in a criminal case.

What does the order do?

It orders you to:

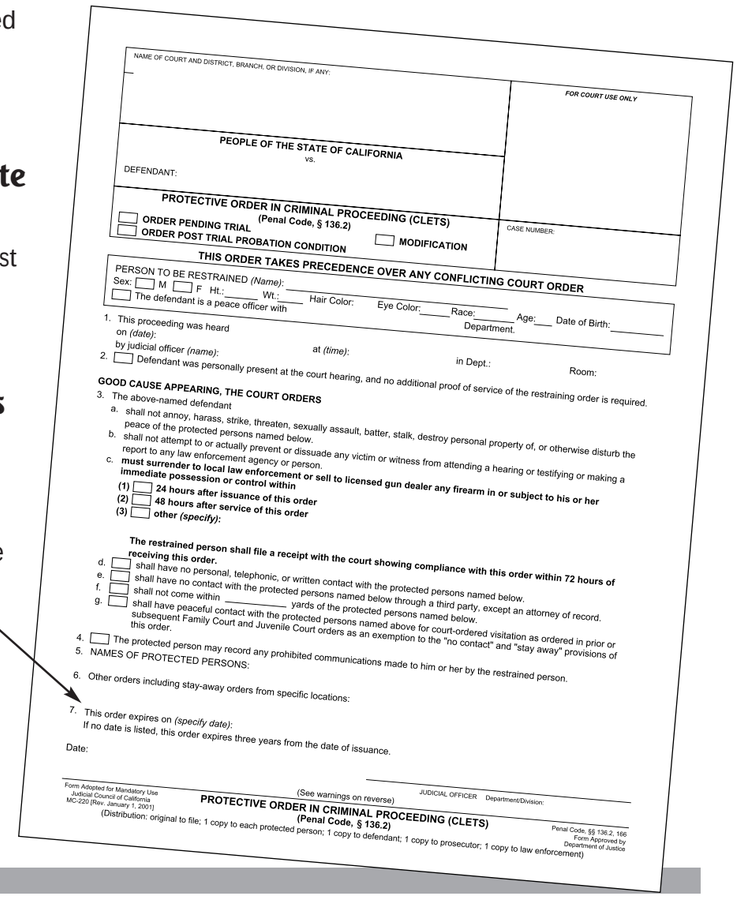
- not contact or go near the protected person *and*
- not have a gun

What if I violate the order?

The police can arrest you. You can go to jail.

How long does it last?

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



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

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA
vs.
DEFENDANT:

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2)
☐ ORDER PENDING TRIAL
☐ ORDER POST TRIAL PROBATION CONDITION
☐ MODIFICATION

CASE NUMBER:

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)*: in Dept.: Room:
by judicial officer *(name)*:
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:

JUDICIAL OFFICER Department/Division:

(See warnings on reverse)

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

PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS)
(Penal Code, § 136.2)
(Distribution: original to file; 1 copy to each protected person; 1 copy to defendant; 1 copy to prosecutor; 1 copy to law enforcement)

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

Can the protected person and I agree to cancel the order?

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

What if the protected person contacts me?

No matter what, you have to follow the court order. The order does not affect what the protected person can do. It only affects what you can do.

Is the order valid outside of California?

Yes. The order is valid all over the United States, including U.S. territories and Indian lands.

Warning:
If you also have a family law case, see a lawyer. Anything you say in that case can be used against you in the criminal case. Tell the family law judge that you also have a criminal case.

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.

Will the police arrest me?

If the police think you have committed a crime, they can arrest you. If they think you have violated a protective order, they must arrest you.

What happens if I am arrested?

You will be "arraigned." You will stand in front of a judge. The judge will tell you what the charges are. If you are in jail, this happens within 48–72 hours. If you are not in jail, it can take several weeks.

Do I need a lawyer?

Yes. If you do not have enough money to hire a lawyer, the court will give you one at the arraignment.

What if I don't have a green card?

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

What if the protected person wants to drop the charges?

The City Attorney or District Attorney (D.A.)–not the protected person–decides if criminal charges will be filed against you. They will decide based on the facts in the police report.

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:

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Administrative Office of the Courts
Center for Families, Children & the Courts
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San Francisco, CA 94102-3660

www.courtinfo.ca.gov/programs/cfcc

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Criminal–Defendant
English
Use with MC-220. 01-04 New 11/01/01