

# PROTECTIVE ORDERS



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**MAJOR CRIMES - HOMICIDE**

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# PROTECTIVE ORDERS

- **“Restraining order”**: generic term including:
  - Civil/Family Law/Domestic Violence Restraining Orders
  - Criminal Protective Orders during pendency of trial
  - Criminal Protective Orders as terms of probation
  - Emergency Protective Orders (EPO)

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## PROTECTIVE ORDERS

- Elder Abuse Protective Orders
- Juvenile Restraining Orders
- Out-of-State Domestic Violence Restraining Orders
- Civil Harassment Restraining Orders
- School Violence Prevention Orders
- Workplace Violence Orders

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## PROTECTIVE ORDERS

- May be issued in family, juvenile, criminal and civil courts
- May be issued by judge or by commissioner
- Most issued in Family Law Court under the Family Code: Sections 6200 et seq.
- May be issued alone or as part of a divorce, annulment, legal separation or declaration of parentage action

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## CIVIL PROTECTIVE ORDERS

- Person seeking protection goes to court and fills out paperwork with an accompanying declaration as to why a restraining order is appropriate
- Judicial officer signs the order and sets a hearing date
- Person to be restrained need not be present; order effective immediately
- Hearing date set, usually three weeks later

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## CIVIL PROTECTIVE ORDERS

- Restrained person must be given notice of hearing and existence of the order: proof of service
- Protected person takes copy of restraining order to any police agency in the state, it must be entered into DVROS
- Longer order issued at hearing
- Usually three years, but can be extended

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**DV-100 Request for Domestic Violence Restraining Order**

*You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.*

**1 Name of Person Asking for Protection:** Age: \_\_\_\_\_  
 Your lawyer in this case (if you have one):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_  
 Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**2 Name of Person You Want Protection From:**  
 Description of person you want protection from:  
 Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_  
 Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Do you want an order to protect family or household members?**  Yes  No  
 If yes, list them:

Full name	Sex	Age	Lives with you?	Relationship to you
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

**4 What is your relationship to the person in (2)?** (Check all that apply):  
 a.  We are now married or registered domestic partners.  
 b.  We used to be married or registered domestic partners.  
 c.  We live together.  
 d.  We used to live together.  
 e.  We are related by blood, marriage, or adoption (specify relationship): \_\_\_\_\_  
 f.  We are dating or used to date, or we are or used to be engaged to be married.  
 g.  We are the parents together of a child or children under 18:  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.  
 h.  We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

**This is not a Court Order.**

Justice Court of California, www.courtca.gov  
 Revised July 1, 2016. Mandatory Form  
 Family Code § 6320.01(d)(4)

Request for Domestic Violence Restraining Order DV-100, Page 1 of 6  
 (Domestic Violence Prevention)

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

**24 Time for Service (Notice)**  
 The papers must be personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service?"

**25 No Fee to Serve (Notify) Restrained Person**  
 If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

**26 Court Hearing**  
 The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order, for more information.

**27 Describe Abuse**  
 Describe how the person in (2) abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: \_\_\_\_\_  
 1. Who was there? \_\_\_\_\_  
 2. Describe how the person in (2) abused you or your child(ren):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in (2) use or threaten to use a gun or any other weapon?  No  Yes (If yes, describe):  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Describe any injuries: \_\_\_\_\_  
 \_\_\_\_\_

5. Did the police come?  No  Yes  
 If yes, did they give you or the person in (2) an Emergency Protective Order?  Yes  No  I don't know  
 Attach a copy if you have one.  
 The order protects  you or  the person in (2)

**This is not a Court Order.**

Revised July 1, 2016  
 Request for Domestic Violence Restraining Order DV-100, Page 5 of 6  
 (Domestic Violence Prevention)

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**DV-101** Description of Abuse Case Number: \_\_\_\_\_

This form is attached to DV-100, Request for Domestic Violence Restraining Order.

① Name of person asking for protection: \_\_\_\_\_

② Name of person you want protection from: \_\_\_\_\_

③ Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: \_\_\_\_\_

b. Who was there? \_\_\_\_\_

c. Describe how the person in ② abused you or your children:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

d. Describe any use or threatened use of guns or other weapons:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Describe any injuries:  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Did the police or other law enforcement come?  No  Yes  
 If yes, did they give you or the person in ② an Emergency Protective Order?  Yes  No  I don't know  
 The Emergency Protective Order protects  You  The person in ②  
 Attach a copy of the Emergency Protective Order if you have one.

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Judicial Council of California, www.courts.ca.gov  
 Rev. January 1, 2012, Superior Form  
 Family Code, § 6220 et seq. **Description of Abuse** (Domestic Violence Prevention) DV-101, Page 1 of 2 →

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## CIVIL PROTECTIVE ORDERS

- Registry
- “CCPRO” California Court Protective Order Registry (formerly) “DVROS”
- Computer data base maintained by the California Department of Justice
- Upon receiving a restraining order, the police agency **MUST** notify DOJ of the order and its contents as soon as possible
- Upon completing service or receiving a proof of service, the police agency **MUST** notify DOJ of the service
- Accessible for field officers and dispatch thru CLETS

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## **CIVIL PROTECTIVE ORDERS**

- Proof of Service
- Protected person cannot serve the restraining order
- This includes persons who are listed as supplementary protected persons such as parents, children, and other household members

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## **CRIMINAL PROTECTIVE ORDERS**

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CR-160

SUPERIOR COURT OF CALIFORNIA, COUNTY OF \_\_\_\_\_ FOR COURT USE ONLY

STREET ADDRESS: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY AND ZIP CODE: \_\_\_\_\_  
BRANCH NAME: \_\_\_\_\_

PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
DEFENDANT: \_\_\_\_\_

**CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE**  
(CLETS - CPO) (Pen. Code, § 438.3-438.6(4)(a), 136.2(i)(1), 273.5(i), 368(i), and 646.9(h))

ORDER UNDER PENAL CODE, § 136.2  MODIFICATION  
 PROBATION CONDITION ORDER (Pen. Code, § 1203.07)

ORDER UNDER:  PENAL CODE, § 136.2(i)(1)  PENAL CODE, § 273.5(i)  PENAL CODE, § 368(i)  PENAL CODE, § 646.9(h)

PERSON TO BE RESTRAINED (complete name): \_\_\_\_\_

Sex:  M  F H: \_\_\_\_\_ Wt: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

1. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
by judicial officer (name): \_\_\_\_\_

2. This order expires on (date): \_\_\_\_\_ . If no date is listed, this order expires three years from date of issuance.

3.  Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:

5.  For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following article:

6.  The court has information that the defendant owns or has a firearm or ammunition, or both.

**GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**

7. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.

8. must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.

The court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control and sets a review hearing for (date): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code Civ. Proc., § 527.9. (Cal. Rules of Court, rule 4.700)

The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(i). The defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

9. must 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.

10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 10.

11.  must be placed on electronic monitoring for (specify length of time): \_\_\_\_\_ (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(3)(iv) and Pen. Code, § 136.2(i)(2).)

12.  must have no personal, electronic, telephonic, or written contact with the protected persons named above.

13.  must not have any contact with the protected persons named above through a third party, except an attorney of record.

14.  must not come within \_\_\_\_\_ yards of the protected persons and animals named above.

15.  must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:

a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_  
b.  any Family, Juvenile, or Probate court order issued after the date this order is signed.

17.  The protected persons may record any prohibited communications made by the restrained person.

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

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) \_\_\_\_\_ (Department/Division) Page 1 of 2

Form Adopted for Mandatory Use Judicial Council of California CR-160 (Rev. January 1, 2017) Approved by Department of Justice

**CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE** (Penal Code, §§ 136.2, 136.2(i)(1), 273.5(i), 368(i), and 646.9(h))  
(CLETS—CPO)



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CR-161

SUPERIOR COURT OF CALIFORNIA, COUNTY OF \_\_\_\_\_ FOR COURT USE ONLY

STREET ADDRESS: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY AND ZIP CODE: \_\_\_\_\_  
BRANCH NAME: \_\_\_\_\_

PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
DEFENDANT: \_\_\_\_\_

**CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE**  
(CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(h))

ORDER UNDER PENAL CODE, § 136.2  MODIFICATION

ORDER UNDER:  PENAL CODE, § 136.2(i)(1)  PENAL CODE, § 646.9(h)

PERSON TO BE RESTRAINED (complete name): \_\_\_\_\_

Sex:  M  F H: \_\_\_\_\_ Wt: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

1. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
by judicial officer (name): \_\_\_\_\_

2. This order expires on (date): \_\_\_\_\_ . If no date is listed, this order expires three years from date of issuance.

3.  Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:

5.  The court has information that the defendant owns or has a firearm or ammunition, or both.

**GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**

6. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.

7. must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.

The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(i). The defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

8. must 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.

9. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 9.

10.  must be placed on electronic monitoring for (specify length of time): \_\_\_\_\_ (Not to exceed one year from the date of this order. Pen. Code, § 136.2(a)(1)(3)(iv) and Pen. Code, § 136.2(i)(2).)

11.  must have no personal, electronic, telephonic, or written contact with the protected persons named above.

12.  must not have any contact with the protected persons named above through a third party, except an attorney of record.

13.  must not come within \_\_\_\_\_ yards of the protected persons named above.

14.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 11, 12, or 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in:

a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_  
b.  any Family, Juvenile, or Probate court order issued after the date this order is signed.

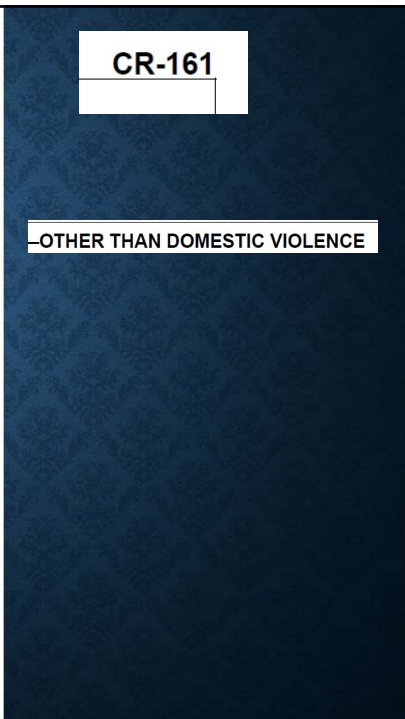
15.  The protected persons may record any prohibited communications made by the restrained person.

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

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) \_\_\_\_\_ (Department/Division) Page 1 of 2

Form Adopted for Mandatory Use Judicial Council of California CR-161 (Rev. January 1, 2017) Approved by Department of Justice

**CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE** (Penal Code, §§ 136.2, 136.2(i)(1), and 646.9(h))  
(CLETS—CPO)



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## WHAT A CPO DOES

### GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

7. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.

8. **must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition.**

9. must 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.

10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 10.

12.  must have no personal, electronic, telephonic, or written contact with the protected persons named above.

13.  must have no contact with the protected persons named above through a third party, except an attorney of record.

14.  must not come within 100 yards of the protected persons and animals named above.

17.  The protected persons may record any prohibited communications made by the restrained person.

18.  Other orders including stay-away orders from specific locations:  
home, employment, school, vehicle

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## WHAT A CPO DOES

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:

a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_


b.  any Family, Juvenile, or Probate court order issued *after* the date this order is signed.

11.  must be placed on electronic monitoring for (specify length of time): \_\_\_\_\_. (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(v) and Pen. Code, § 136.2(i)(3).)

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## WHAT A CPO DOES



### But what about pets?

5.  For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following animals: Fido

15.  must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.

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## HOW TO FILL IT OUT

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Abuser		
CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k)) <input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2 <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.097) ORDER UNDER: <input type="checkbox"/> PENAL CODE, § 136.2(i)(1) <input type="checkbox"/> PENAL CODE, § 273.5(j) <input type="checkbox"/> PENAL CODE, § 368(l) <input type="checkbox"/> PENAL CODE, § 646.9(k)		CASE NUMBER: XXXXXXXXXXXX
This Order May Take Precedence Over Other Conflicting Orders; See Item 4 on Page 2.		
PERSON TO BE RESTRAINED (complete name): Abuser		
Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F    Ht.: 6-0    Wt.: 222    Hair color: blk    Eye color: blk    Race: W    Age: 55    Date of birth: 6/6/66		
1. This proceeding was heard on (date): 5/15/2021 at (time): 1:30 PM in Dept. 1204 Room: by judicial officer (name): Hon. Carlos Armour		
2. This order expires on (date): . If no date is listed, this order expires three years from date of issuance.		
3. <input checked="" type="checkbox"/> Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.		
4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON: Joe Victim, Male, 5/5/55		

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## CPO – LEGAL BASIS

### CR160 (DV)

<b>CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE</b>			
(CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/>	MODIFICATION
<input type="checkbox"/>	PROBATION CONDITION ORDER (Pen. Code, § 1203.097)		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 273.5(j)
	<input type="checkbox"/> PENAL CODE, § 368(l)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

### CR161 (No Relationship)

<b>CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE</b>			
(CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2		
<input type="checkbox"/>	MODIFICATION		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

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## CPO – LEGAL BASIS

### CR160 (DV)

<b>CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE</b>			
(CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), <del>136.2(i)(1), 273.5(j), 368(l), and 646.9(k))</del> )			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/>	MODIFICATION
<input type="checkbox"/>	<del>PROBATION CONDITION ORDER (Pen. Code, § 1203.097)</del>		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 273.5(j)
	<input type="checkbox"/> PENAL CODE, § 368(l)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

### CR161 (No Relationship)

<b>CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE</b>			
(CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/>	MODIFICATION
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

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## CPO - LEGAL BASIS

California Penal Code 136.2(a)(1)

Upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, a court with jurisdiction over a criminal matter may issue orders, including, but not limited to, the following...

Stay Away

No contact

Etc.

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## PEOPLE V. STONE (2004) 123 CAL.APP.4<sup>TH</sup> 153, 159

“Although [California Penal Code] section 136.2 does not indicate on its face that the restraining orders it authorizes are limited to the **pendency of the criminal action** in which they are issued or to probation conditions, it is properly so construed.”

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## **PEOPLE V. STONE (2004) 123 CAL.APP.4<sup>TH</sup> 153, 159**

It authorizes injunctions only by courts with jurisdiction over criminal proceedings and is aimed at protecting only “victim [s] or witness[es],” an indication of its limited nature and focus on preserving the integrity of the administration of criminal court proceedings and protecting those participating in them.

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## **PEOPLE V. BABALOLA (2011) 192.CAL.APP.4<sup>TH</sup> 948, 962**

- In domestic violence cases, as defined by PC1203.097:
- “...the alleged commission of an assault alone, without evidence of a threat to criminal proceedings or participation in them by the victim or witness, witness, would be sufficient for issuance of a section 136.2 restraining order.”

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## **PEOPLE V. BABALOLA (2011) 192.CAL.APP.4<sup>TH</sup> 948, 963-964**

“...in domestic violence cases past harm, as evidenced by the underlying charges or other information concerning the defendant's criminal history, or threat of future harm to the victim may provide good cause for issuance of a criminal protective order.”

Note: In non-DV cases, a good cause “...finding may be based on the underlying charges and the circumstances surrounding the commission of the charged offenses, but a mere finding of past harm to the victim or a witness is not sufficient.”

25

## **136.2(a) - Review**

California Penal Code 136.2(a)(1)

- During pendency of case
- Expires at sentencing (or probation violation)
- Charged act of violence in-and-of-itself sufficient grounds (for DV)
- If no violence, must put on record threat of future harm/dissuasion based on prior DV acts, CPO violations, or threats during/after act
- Can protect victim OR witness

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## CPO – LEGAL BASIS

### CR160 (DV)

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/>	MODIFICATION
<input type="checkbox"/>	PROBATION CONDITION ORDER (Pen. Code, § 1203.097)		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 273.5(j)
	<input type="checkbox"/> PENAL CODE, § 368(l)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

### CR161 (No relationship)

CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2		
<input type="checkbox"/>	MODIFICATION		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

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## CPO - LEGAL BASIS

### 1203.097(a)

If a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code, the terms of probation shall include all of the following:

(2) A criminal court protective order...

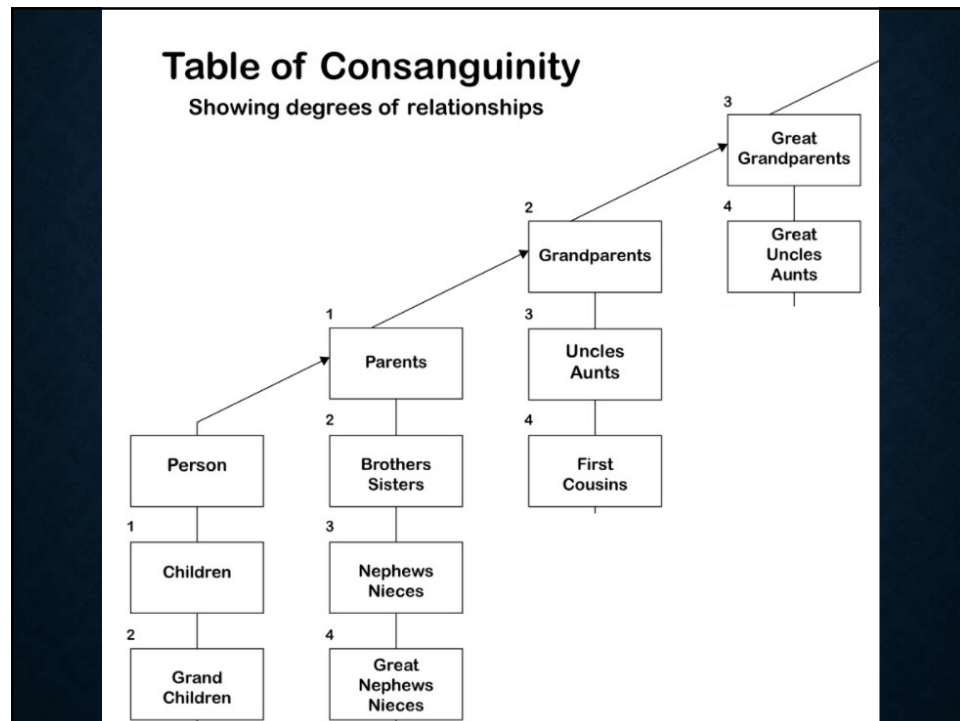
28

## PC1203.097 / FC 6211

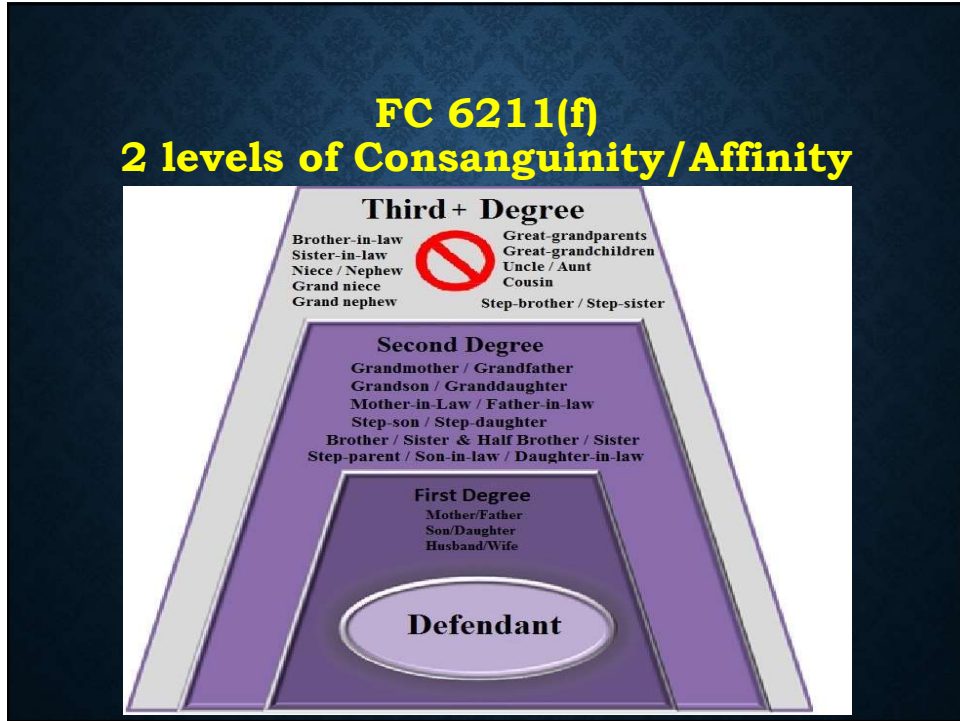
Victim is a person defined in Section 6211 of the Family Code:

- (a) A spouse or former spouse
- (b) A cohabitant or former cohabitant, as defined in Section 6209
- (c) A person with whom the respondent is having or has had a dating or engagement relationship
- (d) A person with whom the respondent has had a child...
- (e) A child of a party...
- (f) Any other person related by consanguinity or affinity within the second degree

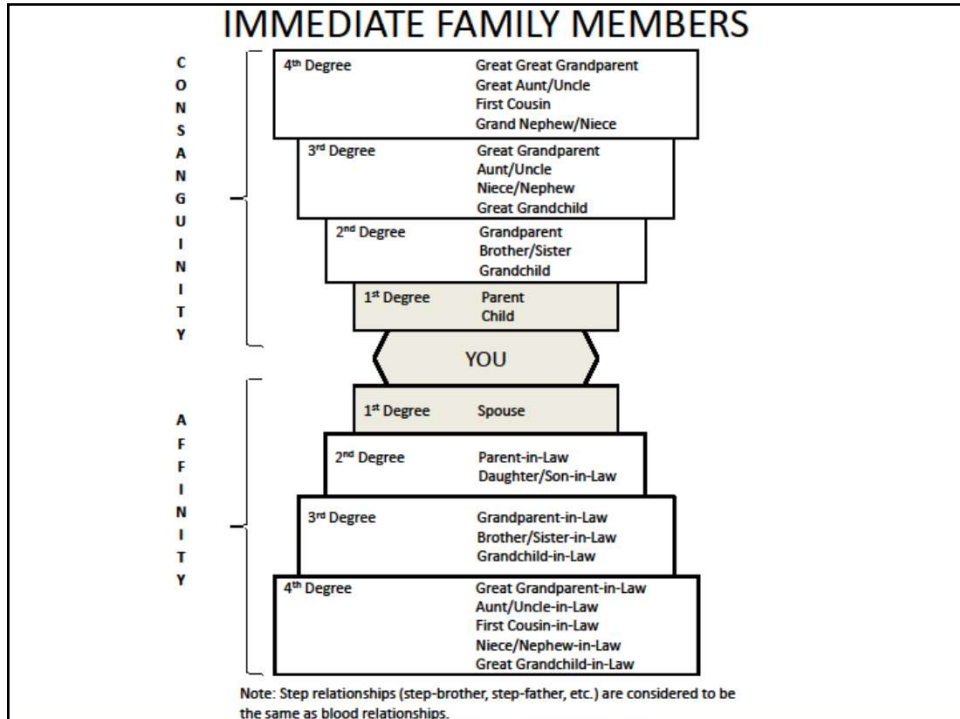
29



30



31



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## FC 6211(c) “dating”

CALCRIM 840 - PC273.5(a):

The term dating relationship means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement [independent of financial considerations]

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## FC 6211(b) “Cohabitant”

- It is NOT the same definition of “cohabitant” in PC273.5(a)
- FC 6211(b) – “A cohabitant or former cohabitant, as defined in Section 6209”
- FC 6209 – A person who “regularly resides in the household”
- “Household” is more than simply residing in the same dwelling
- NOT roommates/renters

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## FC 6211(b) “Cohabitant”

- It is “a collection of persons, whether related or not, who live together as a group or unit of permanent or domestic character, with one head, under one roof or within a common curtilage, who direct their attention toward a common goal consisting of their mutual interests.” *O’Kane v. Irvine* (1996) 47 Cal.App.4<sup>th</sup> 207, 208-209
- NOT roommates/renters

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## CPO - LEGAL BASIS

1203.097(a)

If a person is granted probation for a crime in which the **victim** is a person defined in Section 6211 of the Family Code, the terms of probation shall include all of the following:

(2) A criminal court protective order...

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## CPO – GROUNDS

### CR160 (DV)

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(f), and 646.9(k))			
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/>	MODIFICATION
<input type="checkbox"/>	PROBATION CONDITION ORDER (Pen. Code, § 1203.097)		
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/>	PENAL CODE, § 273.5(j)
	<input type="checkbox"/> PENAL CODE, § 368(f)	<input type="checkbox"/>	PENAL CODE, § 646.9(k)

### CR161 (No relationship)

CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))	
<input type="checkbox"/>	ORDER UNDER PENAL CODE, § 136.2
<input type="checkbox"/>	MODIFICATION
ORDER UNDER:	<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)
	<input type="checkbox"/> PENAL CODE, § 646.9(k)

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## CPO – 136.2(i)(1)

- 136.2(i)(1):
  - In all cases in which a criminal defendant has been convicted...
  - of a crime involving \* ...
  - The court, at the time of sentencing, **shall consider** issuing an order restraining the defendant from any contact with a victim of the crime.
  - ... [F]or up to 10 years
  - This protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison or a county jail... [or] the defendant is placed on probation.

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## CPO – 136.2(i)(1)

- 136.2(i)(1): \*for a crime involving...
  - Domestic Violence per PC 13700 or FC 6211 (see above)
  - 236.1(a) – Human Trafficking
  - Section 261 – Rape
  - 261.5 – Statutory Rape
  - 262 – Spousal Rape
  - Section 266h(a) – Pimping
  - 266i(a) – Pandering
  - 186.22 – Gang Enhancements
  - Or a crime that requires the defendant to register pursuant to 290(c) – Sex Registration

39

## CPO – 136.2(i)(2)

- 136.2(i)(2):
  - ...if convicted of a crime (listed above)
  - the court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with
  - a percipient witness to the crime
  - if it can be established by clear and convincing evidence
  - that the witness has been harassed by defendant per Civil Proc Code 527.6(b)(3):
    - unlawful violence, a credible threat of violence, or a knowing and willful course of conduct... that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose
    - The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner

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## CPO – 136.2(i)(1)

- 136.2(i)(1):
  - D convicted of qualifying offense (including DV)
  - Up to 10 years
  - With or without probation
- May protect:
  - 1) **Victim** of the crime
  - OR
  - 2) Percipient Witness
    - If established on record by clear/convincing standard
    - Defendant harassed/threatened/uses violence on witness
    - Caused substantial emotional distress
    - Reasonable person would suffer substantial emotional distress

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## CPO – 136.2(i)(1)

What is a “victim” of the crime?

136.2(i)(1):

The court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with a **victim of the crime**

It is the intent of the Legislature in enacting this subdivision that the duration of any restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, **and the safety of a victim and his or her immediate family**

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## **“VICTIM” OF THE CRIME**

What is a “victim” of the crime?

*People v. Clayburg* (2012) 211 Cal.App.4<sup>th</sup> 86

Defendant convicted of PC646.9(a) against former wife

Daughter was present for some of stalking activity and “suffered emotionally” as a result of Defendant’s actions

Court issued CPO per PC646.9(k) protecting victim AND victim’s daughter

CPO for daughter upheld:

“We hold that a member of the immediate family of a stalking victim (Pen.Code § 646.9, subd. (a)) who suffers emotional harm, here a child, is a “victim” for purposes of a post-conviction restraining order.

Cites *People v. O’Neal* (2000) 122 Cal.App.4<sup>th</sup> 817

Victim’s brother gets restitution for counseling after victim raped

43

## **“VICTIM” OF THE CRIME**

*People v. Delarosaruda* (2014) 227 Cal.App.4<sup>th</sup> 205

PC 136(3):

“Victim” means any natural person with respect to whom there is reason to believe that any crime as defined under the laws of this state or any other state or of the United States is being or has been perpetrated or attempted to be perpetrated

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## “VICTIM” OF THE CRIME

*People v. Delarosaranda* (2014) 227 Cal.App.4<sup>th</sup> 205

CPO protecting V's children who were not present

Court determined CPO issued in error, as children were not victims

Limits *Clayburn*: “On those facts, a protective order could have been issued covering the child under section 136.2, subdivision (i)(1), as the child was a “natural person with respect to whom there is reason to believe that any crime as defined under the laws of this state ... is being or has been perpetrated or attempted to be perpetrated”

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## “VICTIM” OF THE CRIME

*People v. Beckemeyer*, 238 Cal.App.4<sup>th</sup> 461

D convicted of 664/187 against ex-girlfriend, and PC 245 against her son.

Son does not have PC1203.097 relationship with D

Court issued CPO protecting ex-girlfriend AND son per PC136.2(i)(1)

Son is a victim per PC136(3), and D committed DV based on his relationship with ex-girlfriend, thus, son qualifies for CPO

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## COMPARE/CONTRAST

### PC136.2(i)(1)

In all cases in which a criminal defendant has been convicted of a crime involving domestic violence as defined in... Section 6211 of the Family Code , the court... shall consider issuing an order restraining the defendant from any contact with a victim of the crime

### PC1203.097(a)

If a person is granted probation for a crime in which the victim is a person defined in Section 6211 of the Family Code

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## CPO – LEGAL BASIS

### CR160 (DV)

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k))	
<input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2	<input type="checkbox"/> MODIFICATION
<input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.097)	
ORDER UNDER: <input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/> PENAL CODE, § 273.5(j)
<input type="checkbox"/> PENAL CODE, § 368(l)	<input type="checkbox"/> PENAL CODE, § 646.9(k)

### CR161 (No relationship)

CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))	
<input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2	
<input type="checkbox"/> MODIFICATION	
ORDER UNDER:	
<input type="checkbox"/> PENAL CODE, § 136.2(i)(1)	<input type="checkbox"/> PENAL CODE, § 646.9(k)

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## CPO – LEGAL BASIS

- **368(l)** – Upon conviction of PC368(a)-(f), “sentencing court shall also consider” issuing CPO
- **273.5(j)** – Upon conviction of PC 273.5(a), “sentencing court shall also consider” issuing CPO
- **646.9(k)** – “Sentencing court shall also consider” issuing CPO
- Each of the above:
  - CPO may be imposed for up to 10 years
  - With or without probation
    - Court should consider seriousness of facts before the court, probability of future violations and safety of victim and victim’s immediate family in determining length of order

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## CPO – LEGAL BASIS

**CR160 (DV)**

**CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE**  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k))

ORDER UNDER PENAL CODE, § 136.2       MODIFICATION  
 PROBATION CONDITION ORDER (Pen. Code, § 1203.097)  
 ORDER UNDER:     PENAL CODE, § 136.2(i)(1)     PENAL CODE, § 273.5(j)  
                            PENAL CODE, § 368(l)                     PENAL CODE, § 646.9(k)

**CR161 (No relationship)**

**CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE**  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))

ORDER UNDER PENAL CODE, § 136.2  
 MODIFICATION  
 ORDER UNDER:  
 PENAL CODE, § 136.2(i)(1)     PENAL CODE, § 646.9(k)

Super Secret: PC 602.5(d)

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## CPO – LEGAL BASIS

PC602.5(d):

If convicted of 602.5(b):

[aggravated (person present) trespass]

“The sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to three years, as determined by the court”

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## OTHER TYPES OF RESTRAINING ORDERS

- Emergency Protective Orders:
  - Last 5 days
  - Obtained by police officer at scene, served at scene/jail
  - Purpose: last long enough for V to get Civil Restraining Order
- Temporary Restraining Orders (TROs)
  - *Ex Parte* restraining order
  - Lasts 21 days or until hearing
  - Requires service (mail is worthless)
- Restraining Order After Hearing (ROAHs)
  - Lasts for one year, renewable
- Out of State Restraining Orders
- Gun Violence Restraining Orders

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# WHAT WE NEED TO PROSECUTE A VIOLATION?

- Is RO Valid?
- Is conduct prohibited?
- Is Proof of Service good?
- Elements of crime
- Defense Argument
- Chargeable Offenses for Violation

53

## R.O. VALID?

- File Stamp?

Note: Do not issue unless you have copy of:

- 1) The RO itself
- 2) Proof of Service

\*Not from SDLaw or CLETs

CR-185

SUPERIOR COURT OF CALIFORNIA, COUNTY OF \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_  
 MAILING ADDRESS \_\_\_\_\_  
 CITY AND ZIP CODE \_\_\_\_\_  
 BRANCH NAME \_\_\_\_\_

PEOPLE OF THE STATE OF CALIFORNIA  
 VS.  
 DEFENDANT: \_\_\_\_\_

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 1303.097(a)(7), 136.20(1), 273.50, 368(f), and 646.9(a))

ORDER UNDER PENAL CODE, § 136.2  MODIFICATION  
 PROBATION CONDITION ORDER (Pen. Code, § 1203.097)  
 ORDER UNDER:  PENAL CODE, § 136.20(1)  PENAL CODE, § 273.50  CASE NUMBER \_\_\_\_\_  
 PENAL CODE, § 368(f)  PENAL CODE, § 646.9(a)

This Order May Take Precedence Over Other Conflicting Orders; See Item 4 on Page 2.

PERSON TO BE RESTRAINED (complete name): \_\_\_\_\_  
 Sex:  M  F. Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 at (time) \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 by judicial officer (name): \_\_\_\_\_

1. This proceeding was heard on (date): \_\_\_\_\_ If no date is listed, this order expires three years from date of issuance.  
 Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:

5.  For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following animals:  
 The court has information that the defendant owns or has a firearm or ammunition, or both.

GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT

7. must not harass, stalk, threaten, assault (verbally or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.  
 8. must not own, possess, buy or try to buy, receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.  
 The court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control and sets a review hearing for (date): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code Civ. Proc., § 527.9 (Cal. Rules of Court, rule 4.700.)  
 The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(f). The defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

9. must 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.  
 10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 10:  
 must be placed on electronic monitoring for (specify length of time): \_\_\_\_\_ (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv) and Pen. Code, § 130.2(i)(2).)  
 12. must have no personal, electronic, telephonic, or written contact with the protected persons named above.  
 13. must have no contact with the protected persons named above through a third party, except an attorney of record.  
 14. must not come within \_\_\_\_\_ yards of the protected persons and animals named above.  
 15. must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.  
 16. may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:  
 a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_  
 b.  any Family, Juvenile, or Probate court order issued after the date this order is signed.  
 17. The protected persons may record any prohibited communications made by the restrained person.  
 18. Other orders including stay-away orders from specific locations: \_\_\_\_\_

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) \_\_\_\_\_ (DEPARTMENT/CLERK) Page 1 of 2  
 FILED At \_\_\_\_\_ County of California \_\_\_\_\_  
 CR-185 (Rev. January 1, 2017) Approved by Department of Justice \_\_\_\_\_  
 CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS—CPO) \_\_\_\_\_  
 Penal Code, §§ 136.2, 1303.097(a)(7), 136.20, 273.50, 368(f), and 646.9(a) www.courts.ca.gov

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## R.O. VALID?

- 1) Date R.O. issued
- 2) Date R.O. served on Defendant
- 3) Date of violation
- 4) Date R.O. expires

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## IS CONDUCT PROHIBITED?

### What can't Defendant do...

7. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
8. must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.
9. must 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.
10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 10.
12.  must have no personal, electronic, telephonic, or written contact with the protected persons named above.
13.  must have no contact with the protected persons named above through a third party, except an attorney of record.
14.  must not come within  yards of the protected persons and animals named above.

### Except...

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:
  - a.  the Family, Juvenile, or Probate court order in case number:  issued on (date):
  - b.  any Family, Juvenile, or Probate court order issued after the date this order is signed.

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# PROOF OF SERVICE

CR-160

SUPERIOR COURT OF CALIFORNIA, COUNTY OF \_\_\_\_\_ FOR COURT USE ONLY

STREET ADDRESS \_\_\_\_\_  
 MAILING ADDRESS \_\_\_\_\_  
 CITY AND ZIP CODE \_\_\_\_\_  
 BRANCH (NAME) \_\_\_\_\_

PEOPLE OF THE STATE OF CALIFORNIA  
 VS.  
 DEFENDANT: \_\_\_\_\_

CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2),  
 136.2(b)(1), 273.5(b), 368(f), and 646.9(a))

ORDER UNDER PENAL CODE, § 136.2  MODIFICATION  
 PROBATION CONDITION ORDER (Pen. Code, § 273.5(b))  
 ORDER UNDER:  PENAL CODE, § 136.2(b)(1)  PENAL CODE, § 273.5(b)  PENAL CODE, § 368(f)  PENAL CODE, § 646.9(a)

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

This Order May Take Precedence Over Other Conflicting Orders. See Item 4 on Page 2.

PERSON TO BE RESTRAINED (complete name): \_\_\_\_\_  
 Sex:  M  F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

1. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 by judicial officer (name): \_\_\_\_\_

2. This order expires on (date): \_\_\_\_\_ If no date is listed, this order expires three years from date of issuance.

3.  Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.

4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:  
 \_\_\_\_\_

8. disturb the peace, keep under surveillance, or block movements of the protected persons named above.  
 must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.  
 The court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control and sets a review hearing for (date): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code Civ. Proc., § 527.9 (Cal. Rules of Court, rule 4.705).  
 The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(f). The defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm): \_\_\_\_\_

9. must 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.

10. must take no action to obtain the addresses or locations of protected persons or their family members, caregivers, or guardian unless good cause exists otherwise.  The court finds good cause not to make the order in item 10.

11.  must be placed on electronic monitoring for (specify length of time): \_\_\_\_\_ (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(A) and Pen. Code, § 136.2(b)(2).)

12.  must have no personal, electronic, telephonic, or written contact with the protected persons named above.

13.  must have no contact with the protected persons named above through a third party, except an attorney of record.

14.  must not come within \_\_\_\_\_ yards of the protected persons and animals named above.

15.  must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:  
 a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_  
 b.  any Family, Juvenile, or Probate court order issued after the date this order is signed.

17.  The protected persons may record any prohibited communications made by the restrained person.

18.  Other orders including stay-away orders from specific locations:  
 \_\_\_\_\_

Excluded on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) \_\_\_\_\_ (DEPARTMENT/SECTION) Page 1 of 2

Form Approved by Mandatory Fee Judicial Council of California Penal Code §§ 18.6, 186, 1203.097(a)(2), 273.5(b), 368(f), 646.9(a), and 136.2(b)(1) CR-160 Rev. January 1, 2015 Approved by Department of Justice www.courtinfo.ca.gov

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# PROOF OF SERVICE

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

5 Hearings

a. The hearing was on (date): \_\_\_\_\_ with (name of judicial officer): \_\_\_\_\_

b. These people were at the hearing (check all that apply):

The person in (1)  The lawyer for the person in (1) (name): \_\_\_\_\_  
 The person in (2)  The lawyer for the person in (2) (name): \_\_\_\_\_

c. The people in (1) and (2) must return to Dept. \_\_\_\_\_ of the court on (date): \_\_\_\_\_  
 at (time): \_\_\_\_\_  a.m.  p.m. to review (specify issues): \_\_\_\_\_

To the person in (2):

If the orders checked below, Item (3) is also an order. If you do not obey it, you will be arrested and charged with a crime. You may be sent to jail for up to \$1,000, or both.

6 Contact Orders

a. The person in (2) must not do the following things to the protected people in (1) and (3):

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements.  
 Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.  
 Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)

b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

c. Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 Stay-Away Order

a. The person in (2) must stay at least (specify): \_\_\_\_\_ yards away from (check all that apply):

The person in (1)  School of person in (1)  
 Home of person in (1)  The persons in (3)  
 The job or workplace of person in (1)  The child(ren)'s school or child care  
 Vehicle of person in (1)  Other (specify): \_\_\_\_\_

b. Exceptions: Brief and peaceful contact with the person in (1), and peaceful contact with children in (3), as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order

The person in (2) must move out immediately from (address): \_\_\_\_\_

9 No Guns or Other Firearms or Ammunition

a. The person in (2) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

**THIS IS A COURT ORDER.**

Revised July 1, 2016 Restraining Order After Hearing (CLETS—OAH) DV-130, Page 2 of 7  
 (Order of Protection)  
 (Domestic Violence Prevention)

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**Civil R.O.s**

**Best – In court**

**Good – By police**

**Maybe Okay – In person**

**Worst – By mail**

# PROOF OF SERVICE

Civil R.O.s

Best – In court

Good – By police

Maybe Okay – In person

Worst – By mail

<p>ATTORNEY NAME AND ADDRESS [REDACTED]</p> <p>SMAIL [REDACTED]</p> <p>ATTORNEY FOR: <b>In Propria Persona</b></p> <p>NAME OF COURT, JUDICIAL DISTRICT OR BRANCH COURT, IF ANY: San Diego County Superior Court 250 E Main Street El Cajon, CA 92020</p> <p>PLAINTIFF: [REDACTED]</p> <p>DEFENDANT: [REDACTED]</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center; font-weight: bold;">2019 AUG -6 PM 3:38</p> <p style="text-align: center;">RECORDS &amp; ID DIVISION SAN DIEGO CO SHERIFF</p>
Proof of Service	

1. At the time of the service I was at least 18 years of age and not a party to this action.

2. I served copies of the:

f. other (specify documents):  
Attachment(s), DV-100 Request for Domestic Violence Restraining Order, DV-109 Notice of Court Hearing (Domestic Violence), DV-110 Temporary Restraining Order (Domestic Violence), Responding party Packet

3. a. Party Served (specify name of party as shown on documents served):

4. Address where party was served: [REDACTED]

5. I served the party:

a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: 06/01/2019 at: 9:30 AM.

7. Person who served the papers

a. Name: Deputy C. Hawkins 7338 ✓  
b. Address: San Diego County Sheriff, 1409 4th Ave., San Diego, CA 92101  
c. Telephone number: Phone(619) 544-5401  
d. The fee for the service was: \$48.00 (Waiver - Bill Courts)  
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: Friday, August 2, 2019 by: Sheriff's Authorized Agent 2006  
Hearing: 08/15/2019 8:30 AM in Dept/Div: 8 William D. Gore, Sheriff

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# PROOF OF SERVICE

Civil R.O.s

Best – In court

Good – By police

Maybe Okay – In person

Worst – By mail

DV-200 Proof of Personal Service

1 Name of Party Asking for Protection: \_\_\_\_\_

2 Name of Party to Be Restrained: \_\_\_\_\_

3 Notice to Server  
The server must:

- Be 18 years of age or older.
- Not be listed in item (1) or (2) of form DV-100, Request for Domestic Violence Restraining Order.
- Give a copy of all documents checked in (4) to the restrained party in (2) (you cannot send them by mail). Then, complete and sign this form, and give or mail it to the party in (1).

4 I gave the party in (2) a copy of all the documents checked:

a.  DV-109 with DV-100 and a blank DV-120 (Notice of Court Hearing, Request for Domestic Violence Restraining Order, blank Response to Request for Domestic Violence Restraining Order)

b.  DV-110 (Temporary Restraining Order)

c.  DV-105 and DV-140 (Request for Child Custody and Visitation Order, Child Custody and Visitation Order)

d.  FL-150 with a blank FL-150 (Income and Expense Declaration)

e.  FL-155 with a blank FL-155 (Financial Statement (Simple))

f.  DV-115 (Request to Continue Hearing)

g.  DV-116 (Order on Request to Continue Hearing)

h.  DV-130 (Restraining Order After Hearing)

i.  Other (specify): \_\_\_\_\_

5 I personally gave copies of the documents checked above to the party in (2) on:

a. Date: \_\_\_\_\_ b. Time: \_\_\_\_\_  a.m.  p.m.

c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

6 Server's Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
(If you are a registered process server):  
County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

Type or print server's name \_\_\_\_\_ Server to sign here \_\_\_\_\_

Clerk stamps date here when form is filed.

Fill in court name and street address:  
Superior Court of California, County of \_\_\_\_\_

Court clerk fills in case number when form is filed.  
Case Number: \_\_\_\_\_

Proof of Personal Service (CLETS)  
(Domestic Violence Prevention)

DV-200, Page 1 of 1

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# PROOF OF SERVICE

Civil R.O.s  
Best – In court  
Good – By police  
Maybe Okay – In person  
Worst – By mail

**DV-250 Proof of Service by Mail**

1 Name of Person Asking for Protection: \_\_\_\_\_

2 Name of Person to Be Restrained: \_\_\_\_\_

3 Notice to Server  
The server must:  
• Be 18 years of age or over;  
• Not be listed in items ① or ② or ③ of form DV-100, Request for Domestic Violence Restraining Order.  
• Mail a copy of all documents checked in ④ to the person in ⑤.

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in ⑤.

a.  DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order  
b.  DV-120, Response to Request for Domestic Violence Restraining Order  
c.  FL-150, Income and Expense Declaration  
d.  FL-155, Simplified Financial Statement  
e.  DV-130, Restraining Order After Hearing (Order of Protection)  
f.  Other (specify): \_\_\_\_\_  
Note: You cannot serve DV-100, DV-105, DV-109, or DV-110 by mail.

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

a. Name of person served: \_\_\_\_\_  
b. To this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
c. Mailed on (date): \_\_\_\_\_  
d. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

6 Server's Information  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
(If you are a registered process server):  
County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.  
Date: \_\_\_\_\_

Type or print server's name \_\_\_\_\_ Server to sign here \_\_\_\_\_

Judicial Council of California, www.courtinfo.ca.gov  
Rev. January 1, 2015, California Form  
Family Code, §§ 6204, 6204.0044

**Proof of Service by Mail (CLETS)**  
(Domestic Violence Prevention)

DV-250, Page 1 of 1

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# PROOF OF SERVICE

EPOs

**EPO-001 EMERGENCY PROTECTIVE ORDER (CLETS-EPO)**

1. PROTECTED PERSONS (insert names of all persons protected by this Order): \_\_\_\_\_

2. RESTRAINED PERSON (name): \_\_\_\_\_  
Sex:  M  F Ht: \_\_\_\_\_ Wt: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

3. TO THE RESTRAINED PERSON:

a.  YOU MUST NOT harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy any personal property of, disturb the peace of, keep under surveillance, or block the movements of each person named in Item 1.  
b.  YOU MUST NOT contact, either directly or indirectly, by any means, including but not limited to by telephone, mail, e-mail or other electronic means, any person named in Item 1.  
c.  YOU MUST  stay away at least \_\_\_\_\_ yards from each person named in Item 1.  
 stay away at least \_\_\_\_\_ yards from  move out immediately from \_\_\_\_\_ (address).  
d. YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms, you must turn them in to a law enforcement agency or sell them to, or store them with, a licensed gun dealer.  
e. YOU MUST NOT take any action, directly or through others, to obtain the addresses or locations of any person named in Item 1.  
4. (Name): \_\_\_\_\_ is given temporary care and control of the following minor children of the parties (names and ages): \_\_\_\_\_

5. THIS ORDER WILL EXPIRE AT THE CLOSE OF THE COURT BUSINESS DAY ON: \_\_\_\_\_

6. TO THE PROTECTED PERSON: If you need protection for a longer period of time, you must request restraining orders from the court in the county where you live.

LAW ENFORCEMENT CASE NUMBER: \_\_\_\_\_

REQUEST DATE OF FIFTH-COURT DAY OR BUSINESS CALENDAR DAY. WRITHELD IS EARLIER. DO NOT CONTACT DAY THE ORDER IS ISSUED.

**PROOF OF SERVICE**

13. Person served (name): \_\_\_\_\_

14. I personally delivered copies of this Order to the person served as follows: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Address: \_\_\_\_\_

15. At the time of service, I was at least 18 years of age and not a party to this cause.  I am a California law enforcement officer.

16. My name, address, and telephone number are (this does not have to be server's home telephone number or address): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF SERVER) \_\_\_\_\_ (SIGNATURE OF SERVER) \_\_\_\_\_

Page 1 of 2

Judicial Council of California  
Approved: February 1, 2014  
Approved by DOJ

**EMERGENCY PROTECTIVE ORDER (CLETS-EPO)**  
(Domestic Violence, Child Abuse, Elder or Dependent Adult Abuse, or Stalking)

Family Code, §§ 6203-6205.  
Form EPO-001, 1/14

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## ELEMENTS OF CRIME

1. A court [lawfully] issued a written order that the defendant \_\_\_\_\_ <insert description of content of order>;
2. The court order was a (protective order/stay-away court order/ \_\_\_\_\_ <insert description of other type of order>), issued under \_\_\_\_\_ <insert code section under which order made>...;
3. The defendant knew of the court order;
4. The defendant had the ability to follow the court order;
5. The defendant [willfully (PC166) / intentionally (273.6)] violated the court order.

[The People must prove that the defendant knew of the court order and that (he/she) had the opportunity to read the order or to otherwise become familiar with what it said. But the People do not have to prove that the defendant actually read the court order.]

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## DEFENSE ARGUMENTS

- D didn't know of R.O./terms of R.O.
- Necessity
  - Victim and/or children's health/safety in danger
  - Protect property rights
- Lack of intent
  - Bumped into V in public location
  - Invited violations (Selective enforcement)
    - Civil R.O. v C.P.O.s
- Sympathy/Jury Nullification
  - Just wants to see children
  - Just a happy birthday text

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## CHARGEABLE OFFENSES FOR VIOLATION

- PC 273.6(a)
- PC 166(c)(1)
- PC 166(a)(4)
- PC 18205

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## 273.6(A)

- Any intentional and knowing violation of a protective order, as defined in:
  - FC 6218 [DVROs]: includes:
    - FC 6230 (TRO), 6231, 6232
      - Incorporates FC 6340 (ROAH) by inference
  - CCP 527.6 [Civil Harassment Order]
  - CCP 527.8 [Workplace Restraining Order]
  - CCP 527.85 [School Restraining Order]
  - WIC 15657.03 [Conserved Elder/Dependent Adult]

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## 166(C)(1)

- A willful and knowing violation of a protective order or stay-away court order issued per:
  - (A) PC 136.2 [including “pendency” and “i” orders]
  - (B) PC 1203.097(a)(2) [DV/consanguinity/affinity]
  - (C) PC 368(l) [elder abuse]
  - (D) PC 1201.3 [sexual offense with minor V; juvenile “true finding” of sexual offense with minor V]
  - (E) An order described in paragraph (3)
    - (A) An order issued pursuant to FC6320 or FC 6389 (DVRO)
    - (B) An order excluding defendant from dwelling
    - (C) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the orders described in paragraph (1).
  - (F) PC 273.5(j)

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## WHAT'S MISSING?

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## WHAT'S MISSING?

- Stalking per PC646.9(k)
- Out of State CPOs
- EPOs

**CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE**  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(i), 368(l), and 646.9(k))

ORDER UNDER PENAL CODE, § 136.2       MODIFICATION

PROBATION CONDITION ORDER (Pen. Code, § 1203.097)

ORDER UNDER:  PENAL CODE, § 136.2(i)(1)       PENAL CODE, § 273.5(i)

PENAL CODE, § 368(l)       PENAL CODE, § 646.9(k)

**CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE**  
 (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))

ORDER UNDER PENAL CODE, § 136.2

MODIFICATION

ORDER UNDER:

PENAL CODE, § 136.2(i)(1)       PENAL CODE, § 646.9(k)

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## 166(A)(4)

- Willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial

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## PC 18205

- Gun Violence Restraining Orders
  - Misdemeanor
  - Conviction extends GVRO for 5 more years

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## CPO BOX 16A/B

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:
- a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_
  - b.  any Family, Juvenile, or Probate court order issued *after* the date this order is signed.

- Considerations regarding selecting this:
  - Do we want to take the suspect's children away?
  - Are the children victims of this crime and named on CPO?
  - Is there a family court case?
  - What is the current child custody agreement?
    - Is this a family court agreement, or unofficial?

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## CPO BOX 16A/B

16.  may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:

a.  the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_

b.  any Family, Juvenile, or Probate court order issued *after* the date this order is signed.

- If this box is checked, what does that mean?
  - The suspect **MUST** comply with the child custody agreement
  - If exceeds scope of child custody agreement, then they violated the CPO
- Contact must specifically be in regards to exchange of children
- Contact must be peaceful (not harassing)

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## CHARGEABLE OFFENSES FOR VIOLATION

- PC 166(c)(1) – Criminal protective order (minus stalking)
- PC 273.6(a) – Civil restraining order
- PC 166(a)(4) – Stalking CPO, out of state protective order, EPO
- PC 18205 – Gun violence restraining order

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## SENTENCING CONSEQUENCES

- Firearm restrictions:
  - May not own firearm for 10 years If convicted of specified DV offenses (PC 29805); new felony wobbler charge if possess firearm in violation
  - If TRO CPO or EPO (PC 29825)
    - If probation is granted, must comply with terms of PC 1203.097 (DV/consanguinity relationships only)
    - Must relinquish within 24 hours
    - If judge believes restrained person has guns, court must set a review hearing to determine compliance

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## SENTENCING CONSEQUENCES

### DVRO REQUIRED

PC 1203.097(a)(6) If person granted probation for a crime in which the victim is a person defined in FC 6211 the terms of probation shall include successful completion of a 52-week batterer's treatment program

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## MUTUAL RESTRAINING ORDERS

Family Code Section 6305: The court may not issue a mutual order enjoining the parties from specific acts of abuse described in Section 6320 (a) unless both parties personally appear, and each party presents written evidence of abuse or domestic violence, and (b) the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense

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## TERMINATION

- **The only party that can terminate a valid, non-expired restraining order is a judge**
- **The order remains in effect until the judge orders it lifted: PC 13710(b)**
- So, if a protected person allows the restrained person to visit, call, etc. and then changes her mind and wants the officers to enforce the order, the order is valid, and the officers can enforce it

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## LEGAL AUTHORITY FOR PROTECTIVE ORDERS (BY TYPE OF CRIME)

- **Domestic Violence Case**
  - Arraignment – PC 136.2(a)/(e)
  - Probation – PC 136.2(i), PC 273.5(j) if convicted of PC 273.5(a), PC 1203.097
  - Prison/Denial of Probation - PC 136.2(i) and PC 273.5(j) if convicted of PC 273.5(a)

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## LEGAL AUTHORITY FOR PROTECTIVE ORDERS (BY TYPE OF CRIME)

- **Elder Abuse Case – Suspect and Victim Related**
  - Arraignment – PC 136.2(a)
  - Probation – PC 136.2(i), PC 368(l) if convicted of PC 368, PC 1203.097
  - Prison/Denial of Probation – PC 136.2(i), PC 368(l) if convicted of PC 368

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Elder Abuse – Suspect and Victim Not Related**
  - Arraignment – PC 136.2(a)
  - Probation – PC 368(1) if convicted of PC 368
  - Prison/Denial of Probation – PC 368(1) if convicted of PC 368

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Stalking – Domestic Violence or Suspect and Victim Related**
  - Arraignment – PC136.2(a)/(e)
  - Probation –PC 136.2(i), PC 646.9(k), PC 1203.097
  - Prison/Denial of Probation – PC 136.2(i), PC 646.9(k)

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Physical Child Abuse – Victim and Suspect Related**
  - Arraignment – PC 136.2(a)
  - Probation – PC 136.2(i), PC 273a(c)(2), PC 1203.097
  - Prison/Denial of Probation – PC 136.2(i)

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Physical Child Abuse – Victim and Suspect Not Related**
  - Arraignment – PC 136.2(a)
  - Probation – PC 273a(c)(2)
  - Prison/Denial of Probation – No authority

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Sexual Child Abuse – Related**
  - Arraignment – PC 136.2(a)/(e)
  - Probation - PC 136.2(i), PC 1203.097
  - Prison/Denial of Probation – PC 136.2(i)

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**LEGAL AUTHORITY FOR PROTECTIVE  
ORDERS  
(BY TYPE OF CRIME)**

- **Sexual Child Abuse – Victim and Suspect Not  
Related (PC290(c) Offense)**
  - Arraignment – PC 136.2(a)/(e)
  - Probation – PC 136.2(i)
  - Prison/Denial of Probation – PC 136.2(i)

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# PROTECTIVE ORDERS



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