

MODIFICATION OF A CRIMINAL PROTECTIVE ORDER

SELF-HELP FORM PACKET



SHC-DV-05 (Rev. 07/27/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [**www.occourts.org/self-help**](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CRIMINAL/TRAFFIC as the case type on the form.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Petition for Modification of Protective Order in Criminal Proceeding
Information and Instructions

General Information for the victim requesting modification:

The petition should state the reasons that support your request. If additional space is needed to provide complete information in the Petition you may attach a separate page. As a reminder, the information that you provide is public information unless otherwise ordered by the court. A copy of your petition may be given to the defendant and may be used in the hearing for modification. The defendant is also entitled to request a hearing at which your presence may be requested.

To Increase/Add protective terms to the order:

If you are the victim named in a protective order or if you are the parent or guardian of a victim named in a protective order you may request the Court modify the existing protective order by increasing or adding terms.

1. Complete the form titled *Petition for Modification of Protective Order in Criminal Proceeding*.
2. File the completed petition in the Criminal Operations Division at the Justice Center where the protective order was issued.
3. Notify the clerk at the counter that you are requesting to increase protection; you will be sent to court immediately.

Note: Your home, work or other address may be kept confidential if the defendant doesn't know them. However, a mailing address may be requested by the Court so you may be notified of future hearings.

To reduce/remove protective terms on the order:

If you are the victim named in a protective order or if you are the parent or guardian of a victim named in a protective order you may request the Court modify the existing protective order by removing terms.

1. Complete the form titled *Petition for Modification of Protective Order in Criminal Proceeding*.
2. File the completed petition in the Criminal Operations Division at the Justice Center where the protective order was issued.
3. The clerk will set a court hearing at least 10 days away at which you and the defendant must appear; the clerk's office will send a notice of hearing to the defendant and other parties.

Note: The filing of this petition does not change the terms of the order on file. The defendant must stay in compliance of the protective order. At the time of the hearing the Judge or Commissioner will make the determination as to the requested modification.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Petition for Modification of Protective Order in Criminal Proceeding
Information and Instructions

General Information for the defendant requesting modification:

The petition should state the reasons that support your request. If additional space is needed to provide complete information in the Petition you may attach a separate page. As a reminder, the information that you provide is public information unless otherwise ordered by the court. A copy of your petition may be given to the victim and may be used in the hearing for modification. The victim is also entitled to request a hearing at which your presence may be requested.

To reduce/remove protective terms on the order:

If you are the defendant you may request the Court modify the existing protective order by removing or reducing terms.

1. Complete the form titled *Petition for Modification of Protective Order in Criminal Proceeding*.
2. File the completed petition in the Criminal Operations Division at the Justice Center where the protective order was issued.
3. The clerk will set a court hearing will at least 10 days away at which you must appear; the clerk's office will send a notice of hearing to the victim and other parties.

Note: Filing this petition does not change the terms of the order on file. You must stay in compliance of the protective order. At the time of the hearing the Judge or Commissioner will make the determination as to the requested modification.

Frequently asked questions by defendants:

Q: If I have been ordered to stay away from my house how do I collect my belongings?

A: If you need to retrieve personal belongings or clothing, a Judicial Officer may grant an order that will allow for the return of such items. To set up the hearing contact the Criminal Operations Division at the Justice Center that issued the protective order.

Q: What can I do if this order prevents me from seeing my children?

A: If the protective order conflicts with your child custody rights you must request a hearing with the Court that issued the protective order. To set up a hearing contact the Criminal Operations Division at the Justice Center that issued the protective order.

Q. What if the victim contacts me and gives me permission to return to my residence?

A: The only person that can change the court order is a Judge or Commissioner of the Superior Court. If you are in contact with someone you have been ordered not to contact you are violating the court order. To change the terms to allow peaceful contact you must follow the instructions above.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, Address.):</i> <p style="text-align: center;">(DO NOT LIST ADDRESS IF YOU ARE THE VICTIM)</p> Telephone No.: _____ Bar No.: _____ Facsimile No.: _____ E-Mail address <i>(optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach - 4601 Jamboree Rd., Newport Beach, CA 92660 <input type="checkbox"/> Harbor-Laguna Niguel - 30143 Crown Valley Pkwy., Laguna Niguel, CA 92677 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683	
People of the State of California Defendant: _____ vs. _____	
PETITION FOR MODIFICATION OF PROTECTIVE ORDER IN CRIMINAL PROCEEDING- DOMESTIC VIOLENCE CASE AND REQUEST FOR HEARING	Case Number: _____

1. I, _____, the Petitioner, declare the following:
(Print Your Name)
- a. **I am the defendant named on the protective order in the above-entitled case.**
- (1) In support of this request, I am providing a copy of a current progress report from the court-ordered program *(circle all that apply):* Domestic Violence / Batterer's Treatment / Child Abuser / Drug and Alcohol.
- (2) I have completed the court-ordered programs.
- (3) Another Protective Order, Restraining Order or Child Custody Order is in effect and was issued by: _____
(Name of Court, Case Number, Case Name and Case type)
- b. **I am the protected person named on the protective order in the above-entitled case.**
- (1) I have proof of _____ sessions of the Choices Personal Empowerment Other program *(specify program)* _____ attached.
- (2) I am freely and voluntarily asking the court to modify the Protective Order terms ordered on the above-named defendant whose address is:

- (3) I have discussed my decision to request a modification with the Victim Specialist.
- c. **I am the parent or guardian of the protected person(s) named on the protective order in the above-entitled case.**
- (1) I am freely and voluntarily asking the court to modify the Protective Order terms ordered on the above-named defendant whose address is:

**PETITION FOR MODIFICATION OF PROTECTIVE ORDER IN CRIMINAL PROCEEDING
 DOMESTIC VIOLENCE CASE AND REQUEST FOR HEARING**

CASE NAME:	CASE NUMBER:
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2. I request a hearing for consideration of modifying the following terms listed on the protective order (*check all that apply*):

- a. Remove Add: Must have no personal, telephonic, or written contact with the protected person.
- b. Remove Add: Must have no contact with the protected persons through a third party, except an attorney of record.
- c. Remove Add: Must not come within _____ yards of protected person.
- d. Remove Add: Other:_____.

3. In support of this request, I am providing the court with the following information (*attach separate page if necessary*):_____

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

Date:

▶ _____
(Type or print name)

▶ _____
(Signature of Petitioner)

NOTICE: After this form is properly filed, this case will be scheduled for a hearing. You will be notified by the court of a hearing date. A copy of this petition and a Notice of Hearing may be forwarded to all parties for review. Each party will have the right to attend the hearing and oppose the petition.

**PETITION FOR MODIFICATION OF PROTECTIVE ORDER IN CRIMINAL PROCEEDING
DOMESTIC VIOLENCE CASE AND REQUEST FOR HEARING**