

# Do you have a Criminal Protective Order AND a Civil Restraining Order ?

## If so, there are important things to know:

- The Criminal Protective Order controls. That means that if the orders in Family, Juvenile or other Civil Court are different from the orders issued by Criminal Court, the police will go by the Criminal Court Order.
- Items "3.g" & "3.h" of the Criminal Protective Order (**Protective Order in a Criminal Proceeding** – form #CR-160) might be checked off. If they *are* checked off, that means you can follow any Family Court custody and visitation orders, if you have them. If they are not checked off, you will need to file with the Criminal Court to ask to have the Criminal Protective Order changed.
- If the Criminal Protective Orders and Civil Court restraining orders are different, you will need to ask to change one of the orders so the two orders "match." Here are ideas:
  1. If it's early in the criminal case and the **Restrained Person has not been convicted or acquitted**:
    - If you are the Protected Person, call the District Attorney's Office (408-299-7500).
    - If you are the Restrained Person, talk to your private attorney/Public defender.
  2. If the **Defendant has already been convicted, sentenced and is on probation**, call the Probation Office (408-435-2100) or fill out the **Request and Order for Hearing on Protective Order Modification** (form #CR-6003) to get a hearing date to change the Criminal Protective Order. Then take it to the Criminal Court where the Criminal Protective Order was first issued. To get help, go to the Restraining Order Help Center at Family Court (170 Park Center Plaza, San Jose, 408-534-5709).
  3. **If you only want to change your Family or Civil Court Restraining Order**, go to the Restraining Order Help Center at Family Court (170 Park Center Plaza, San Jose, 408-534-5709)
  4. **If you only want to change the visitation order in a Family Court case**, go to the Self-Service Center at 99 Notre Dame Avenue, San Jose, CA (408-882-2900 Ext. 2926).
  5. **If you want to change an order in a Juvenile Court case**, talk to your attorney or social worker.

### For more help or information, visit the:

Restraining Order Help Center, Superior Court, 170 Park Center Plaza  
San Jose, CA 95113  
408-534-5709

[www.sccselfservice.org](http://www.sccselfservice.org)  
Santa Clara County  
Self-Help website

[www.sccsuperiorcourt.org](http://www.sccsuperiorcourt.org)  
Santa Clara County  
General website

[www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)  
State of California  
Self-Help website