

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

COURT ADDRESS: 190 W. Hedding Street, San José, CA 95110
MAILING ADDRESS: 191 North First Street
CITY AND ZIP CODE: San José, CA 95113
BRANCH NAME: Hall of Justice

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA

vs.

DEFENDANT & RESTRAINED PERSON:

**PROPERTY REMOVAL ORDERS
CRIMINAL DOMESTIC VIOLENCE CASE**

CASE NUMBER:

RESTRAINED PERSON: Complete Name: _____

Sex: M F Ht: _____ Wt: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____ DOB: _____

CRIMINAL PROTECTIVE ORDER IN THIS CASE ISSUED ON: _____ PROTECTED PERSON: _____

This proceeding was heard on (date): _____ at (time) _____ in Dept. _____

by Judicial Officer (name): _____ Protect Party was present

THE COURT ORDERS THAT:

- The Restrained Person is granted a **one-time exception** to the "no contact" and "stay away" provisions in the Criminal Protective Order (copy attached) issued on _____ to retrieve and remove his/her **necessary personal property**. Items which are not agreed upon shall not be removed. The removal shall occur within five days of this hearing and only if accompanied by a Law Enforcement Officer as defined by Penal Code section 830.1 or 830.2. The Removal shall not occur before 7 a.m. or after 10 p.m.
- Either party may request a Civil Standby from the Law Enforcement Agency where the Protected Person resides. The Restrained Person shall give a copy of this Property Removal Order and the Criminal Protective Order to the Law Enforcement Officer at the Civil Standby before property removal can take place.
- The Restrained Person may retrieve and remove "**necessary personal property**" only. "**Necessary personal property**" means the Restrained Person's clothing, toiletries, prescribed medication, medical records, medical insurance card, driver's license or state identification card; and passport, credit cards, ATM cards and checkbook(s) bearing the Restrained Person's name.
- Other items that may also be removed: _____

- The Restrained Person shall obey all instructions of a Law Enforcement Officer present on the Civil Standby, who may terminate the property removal process at any time in the Officer's discretion.
- The orders herein are for temporary possession and the issue of final ownership of any item may be subject to review by a Court of competent jurisdiction.
- The **LAW ENFORCEMENT OFFICER** who is present for the civil standby **SHALL NOT ALLOW** the Restrained Person entry into the Protected Person's residence unless:
 - the Protected Person and/or a designated representative is present **AND**
 - the Protected Person consents to entry by both the Law Enforcement Officer and the Restrained Person **OR** arranges another date and time for the Civil Standby to take place.

Date:

JUDICIAL OFFICER

Civil Standby took place on _____, at _____ am/pm

Officer's Badge No. & Signature: _____