

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 North First Street, San José , CA 95113 MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San José, California 95113 BRANCH NAME: Family Justice Center	<i>FOR COURT USE ONLY</i>
PETITIONER: RESPONDENT: OTHER PARENT:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT:	FAMILY/CIVIL CASE NUMBER: CRIMINAL CASE NUMBER:

Defendant's Name: _____	DOB: _____
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This form has been given to you because you have agreed that the Family Court can change your Criminal Protective Order. The following information advises you of your rights in this matter. Please read and initial each paragraph and sign the bottom indicating that you understand.

	INITIAL HERE IF YOU UNDERSTAND THIS RIGHT	INITIAL HERE IF YOU GIVE UP THIS RIGHT
I understand that the Criminal Protective Order can be changed to be consistent with the Family Court Order		
I understand that I do not have to agree to this matter being heard in Family Court. I can request that it be heard instead in Criminal Court.		
I understand that any change of the Criminal Protective Order is a change of my probation.		
I understand that if I violate this Restraining Order, this is a violation of my probation as well as a new misdemeanor.		
I understand that the Criminal Protective Order can be changed again later by the Criminal Court.		

Family Case Title:	Family Case Number:
Criminal Case Title: People v.	Criminal Case Number:

The orders that are going to be made today are a modification (change) of probation. I understand and give up the following rights:

	INITIAL HERE IF YOU UNDERSTAND THIS RIGHT	INITIAL HERE IF YOU GIVE UP THIS RIGHT
I have the right to a hearing in Court and have the request to change the Protective Order proved against me by clear and convincing evidence.		
At that hearing I have the right to be represented by an attorney (or to have an attorney appointed to me if I cannot afford one).		
At that hearing I have the right to remain silent and to have the request proved by clear and convincing evidence.		
At that hearing I have the right to present a defense-including the right to subpoena witnesses, present evidence and to testify on my own behalf.		
At that hearing I have the right to cross-examine witnesses against me.		

I am eighteen (18) years of age or older.

I understand the above information contained in this waiver.

OR

All of the rights listed above have been translated for me. I understand the information contained in this waiver.

Date: _____

Signature: _____

Defendant

Family Case Title:	Family Case Number:
Criminal Case Title: People v.	Criminal Case Number:

ATTORNEY'S STATEMENT:

I am the attorney of record for the defendant. I have reviewed this form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this change in a criminal protective order and the consequences thereof. I concur in the defendant's waiver of his/her constitutional rights and agreement to this change of conditions of probation.

Date: _____ Signature: _____

INTERPRETER'S STATEMENT:

I, (name) _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that he/she understood the contents of the form, and he/she then initialed and signed the form.

Date: _____ Signature: _____
Interpreter

COURT'S FINDINGS AND ORDER:

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights and the defendant's agreement to modify the terms of his probation by a change in the criminal protective order, finds that the defendant has expressly, knowingly, understandingly, and intelligently waived his or her constitutional rights. The Court finds that the defendant's agreements to the change in the criminal protective order are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the change. The Court accepts the defendant's agreement and modifies the criminal protective order.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Date: _____ Signature: _____
Judicial Officer of the Superior Court