

Protection Order Process

Types of Protection Orders Available

"I Need a Restraining Order."

*This is what people often say to the Court Clerk when requesting an order to prevent abuse. However, this term can be confusing, because a restraining order is only one kind of court order. There are also **DOMESTIC VIOLENCE PROTECTION ORDERS, NO-CONTACT ORDERS** and **CIVIL ANTIHARASSMENT PROTECTION ORDERS**.*

DOMESTIC VIOLENCE ORDER FOR PROTECTION

This is the most commonly requested order. It is a civil order from the court telling the family or household member who threatened or assaulted you not to harm you again.

A protection order **CAN**:

1. Order the Respondent not to threaten or hurt you.
2. Order the Respondent not to enter your residence.
3. Give one parent **temporary** custody of children.
4. Set a schedule for visitation with minor children.
5. Order the Respondent to leave a shared residence.
6. Grant you possession of essential personal effects.
7. Grant you use of a vehicle.
8. Order the Respondent to attend counseling.

A protection order **CANNOT**:

1. Order child support.
2. Order maintenance (alimony).
3. Assign most property to either party.
4. Establish **permanent** child custody or use of the shared residence.

Ask the Court Clerk for the forms to request an order of protection. After the forms are filled out, a Judge will review them. If a temporary order is granted, it will be valid for up to 14 days. A hearing will be set within that 14-day period and the Respondent will be given notice of that hearing. At the hearing, the court will decide if the order should be made effective for one year or longer.

CIVIL ANTI-HARASSMENT ORDER

This order typically applies to situations when the persons are not married or related to each other, for example, in disputes between neighbors, and stalking (stranger-stranger) situations. This order is helpful when a person is being harassed but has not been assaulted or threatened with physical harm.

Unlawful harassment means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys or harasses such person, and which serves no legitimate or lawful purpose.

Course of conduct means a pattern of conduct composed of a series of acts, except constitutionally protected activities, **over a period of time**, however short, evidencing in a continuity of purpose. ***Isolated single acts of harassment WILL NOT qualify a person for an anti-harassment protection order.***

If you feel your situation meets the criteria for unlawful harassment, you may file a petition for an anti-harassment order. There is a NON-REFUNDABLE filing fee, which must be paid before the petition is given to the Judge for review. Paying this fee does not guarantee that the order will be approved by the Judge.

RESTRAINING ORDER

This is broader than a domestic violence protection order, since it can deal with property issues, child support, spousal support, as well as domestic violence and temporary custody issues. A restraining order is filed as part of a divorce case, a paternity case, or other family law case. If you are concerned about preventing the Respondent from disposing of assets during your separation, you might contact an attorney to see about getting a restraining order.

NO-CONTACT ORDER

This type of order does not require you to fill out a petition, because it is part of a criminal action. The court will decide whether to issue this order when it decides if the Respondent is to be released on bail or personal recognizance, or when the Respondent is arraigned (formally charged) or being sentenced. Generally this order does not last as long as a protection order, and it does not award custody, establish visitation, or order counseling. This order is intended to protect you while the criminal case is going on.