



HOW DO I KNOW IF I CAN GET A DOMESTIC VIOLENCE RESTRAINING ORDER?

What is your relationship with the person you want to restrain?

In order to qualify for a Domestic Violence Restraining Order you must have one of the following relationships to the person you want restrained:

- Spouse or former spouse
- Person with whom you share or shared a living space
- Have or had a dating/engagement relationship
- Parents of a child
- Relative to the second degree (grandparents, but not cousins)

What is the person doing?

In order to qualify for a Domestic Violence Restraining Order the person you wish to have restrained must have committed at least one of the following acts:

- Recent physical violence (usually within the past 6 months)
- Recent threats of physical violence (past 3-6 months)
- Harassment (excessive phone calls, threatening or upsetting notes etc.)
- Recent sexual assault or molestation
- Stalking
- Verbal abuse (only where very severe)

What kind of evidence do you have?

The court cannot issue a restraining order without “reasonable proof” that the party to be restrained committed the abuse. A signed statement setting out the particular incidents of abuse and, if possible, the dates on which it occurred may be enough evidence.

However, the following items are very helpful to the court and if you have them, a copy should be attached to your statement:

- Police reports of recent incidents
- Medical/hospital records
- Photographs of injuries
- Emergency Protective Orders
- Criminal Protective Order



HOW WILL A DOMESTIC VIOLENCE RESTRAINING ORDER PROTECT ME?

Domestic Violence Orders are primarily designed to keep the restrained party away from you, but they can also provide other types of relief from abuse. Below are some of the requests you can make when filing for a Domestic Violence Restraining Order.

- Restrained person cannot contact you
- Restrained party must stay at least 100 yards away from you
- If you live with the restrained party, you can have him removed from the property (this is only effective if you have some claim to the property)
- You can request child custody and child support, and set a visitation schedule
- Restrained party may be required to attend a batterer's treatment program
- You may get legal control of property that belongs to both of you or to you alone
- Restitution (reimbursement for costs resulting directly from injuries caused by the batterer i.e. medical bills or lost income)
- Restrained person may not possess any firearms

HOW DO I GET A DOMESTIC VIOLENCE RESTRAINING ORDER?

Obtaining a restraining order may seem intimidating, but keep in mind that there are resources available to assist you. If you decide to apply for a restraining order on your own, below is a brief description of the process for obtaining an order.

1. Go to the Family Law Department in your local courthouse and request an application for a Domestic Violence Order.
2. Give the completed application to the Family Court.
3. Within 48 hours your Temporary Restraining Order should be ready. It will provide you with your hearing date for the permanent (3 year) restraining order.
4. Have the restrained party served with a copy of the temporary restraining order (this generally must be done at least 5 days prior to the hearing).
5. The person who serves the restrained party must fill out a Proof of Service, documenting that the restraining order was served.
6. Attend the hearing and receive a copy of the permanent (3 year) court order (Restraining Order After Hearing). Make sure to bring the completed Proof of Service to your hearing.
7. If the restrained party was not present at the hearing, you must have him/her served with the Restraining Order After Hearing.
8. Provide a copy of your restraining order and, the proof of service, to the police department in your area.
9. Keep your restraining order on you at all times.