

## Domestic Violence Restraining Orders: Your Weapon To Dealing With Domestic Abuse

In the United States, domestic abuse is not limited to any particular class or race. Victims of domestic violence can seek speedy and effective legal assistance by filing for a domestic violence restraining order, also known as a domestic violence protective order, which protects both men and women from domestic abuse, be it physical, emotional, or verbal.

### What is a Domestic Violence Restraining Order

If you are a victim of domestic violence in the form of physical, emotional, or verbal abuse and even harassment or stalking, you can file for a domestic violence restraining order in the courthouse of the county where you or your abuser resides. The order is a direction to the abuser to immediately stop violence against you, or else face serious repercussions.

### What are the Restraining Order Requirements

If you decide to apply for a domestic violence restraining order, you need to request an application from the Family Law Department and hand over the completed application to the Family Court. A temporary restraining order is usually issued within 48 hours.

However, in order to apply for a restraining order, a victim of domestic abuse must be at least 18 years old and share a personal relationship with the abuser. The abuser can be a spouse; a live-in companion; parent of your child, your ex-husband, wife; an adult with whom you share a sexual relation for the last two years, or a past or present dating relationship. The domestic violence law also covers a family member, an in-law, or a relative. Though the law requires the abuser to stay at least 100 yards away from the victim, it does not necessitate filing for a legal separation.

You can apply for a domestic violence restraining order if your abuser has physically injured you, made efforts to do so, threatened to do so, or sexually assaulted you using force or threats within the last 180 days. You can apply for protective orders if there is immediate danger of more physical abuse against you or your children.

### How Domestic Violence Restraining Orders Function

Domestic violence restraining orders require the abuser/respondent to stay away from your home, workplace, school or day care provider of your kids. You can even request the judge to include other safety orders, such as prohibiting the respondent from having guns, or having a police officer by your side for a maximum of 15 minutes while essential personal items are being removed from the home by either of the parties.

Remember, you need to apply for custody and parenting time orders, as the restraining order deals only with these issues temporarily. In this regard, you would need to file a family law case. After you fill out the papers, the judge may ask you a few questions. On the basis of your plea, if they give you the domestic violence restraining order, the court staff will complete all the legal formalities, including preparing copies for you. One of the copies must be hand-delivered to the respondent by an adult, sheriff's deputy, or a private process server, who is required to file a

declaration of service to the court. This is necessary to validate that the respondent has received the order. After being served, the statewide law enforcement database is updated. The respondent is liable for punishment for violating the restraining order only if they have received a copy of the restraining order.

Once the hearing is scheduled, you must attend it or inform the clerk about your unavailability due to an emergency; otherwise, the order will be dropped. You can often hire an attorney to represent you at the hearing. During the court hearing, you must provide ample evidence of your abuse or call witnesses to help convince the judge to make the decision in your favor.

### What Type Of Evidence You Require At Hearing

The court requires you to furnish “reasonable proof” of abuse in order to issue domestic violence restraining orders. Evidence can be in the form of medical records, police reports of recent abuse incidents, and photographs of injuries. If you attach a copy of the Criminal Protective Order or Emergency Protective Order along with your statement, it will come in handy.

### How Long Do Temporary Domestic Violence Restraining Orders Last

Normally, restraining orders last for one year from the date of issuance. You can seek renewal of restraining orders for one year at a time by filing before it expires; however, a judge will allow an extension only if he/she believes you are still in danger.

### What To Do If The Restraining Orders Are Violated

If the respondent violates the domestic violence restraining order, call the police immediately so that the abuser is arrested. If the police believes there is probable cause, they can charge the respondent with contempt of court, which calls for penalty, probation, or even sentence. Carrying a copy of the domestic violence restraining order at all times will come in handy; however, it does not guarantee safety if the abuser is not afraid of the penalty or punishment. If you believe there is no longer any threat from the abuser, you can request the judge to drop the restraining order, which will remain in effect unless the judge dismisses it.