

Restraining Orders 101: Part 2

TUESDAY, AUGUST 9, 2011

This is part two of Restraining Orders 101 and details the process for seeking a restraining order once it is deemed to be the right course of action.

The Process:

Once you have determined that getting a restraining order is the right step to take, it's important to understand the process. The first step is to go to the Clerk's office at your local courthouse and fill out an affidavit requesting the protective order. If it is a holiday, night or weekend, call the police and they will put you in touch with an on-call judge. The next step will be to present your safety concerns to a judge who will decide whether a restraining order is appropriate in your situation. If so, he or she will provide you with a physical copy of the restraining order and the other will be sent to the police. It is important to note that this initial protective order is only TEMPORARY, and will last 10 days. The police will take care of serving the abuser with the restraining order. This means they will go to the abuser's house and physically tell him or her that an order has been filed. If you are living with your abuser, the police can help you by coming to your house and removing the abuser from the premises. Before 10 days has elapsed, you will need to attend a hearing which allows the abuser to present his or her side of the story. Keep in mind, this part of the process can be very difficult so it's a good idea to have an advocate or friend accompany you to the hearing. If the permanent restraining order is granted it can last for up to a year; violation of the order is a crime and if that occurs, call the police immediately.

This procedure is quite complicated and we recommend hiring a lawyer to help you through the process. Feel free to contact Attorney Brian McLaughlin to set up an appointment if you are considering a restraining order.

For more information click [here](#).