





# The Domestic Violence Restraining Order Process

The diagram below shows the typical process for a civil restraining order. Steps may vary by state and county. Additionally, if the abuser is arrested for committing a crime against you, the judge could issue a criminal restraining order with or without your consent.



Qualifying Abusive Incident(s) | Each state has a list of abusive behaviors that qualify someone for a civil restraining order. Read the specific requirements in your state on our Restraining Orders page.

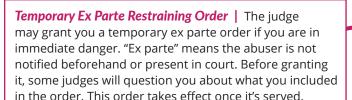


Meet the Relationship **Requirements** | Most states allow "family or household members" and unmarried intimate partners to apply. However, each state's law may define those terms differently.

#### File the Petition

- Get the petition in court or online. A lawyer or advocate can help you fill it out. A court clerk may be able to answer questions about the form itself.
- You are the "petitioner" or "plaintiff." The abuser is the "respondent" or "defendant."
  - Include details about recent abusive incidents that fall under your state's definition of domestic violence, and include information about the history of abuse.
  - There is no filing fee. Ask the clerk how to keep your address confidential if necessary.

## If You're in Immediate Danger





· Usually, a court hearing is scheduled to decide whether to issue a final restraining order.



- Before the court hearing, the abuser must be served with your petition and the ex parte order, if there is one, so s/he can appear in court to present his/her position to the judge.
- Generally, law enforcement serves the papers for free. Ask the court clerk for details.

## **Hearing**

- · Go to the hearing for the final restraining order, or your case can be dismissed.
- If the abuser doesn't show up, the judge may:
  - postpone the hearing and extend the temporary order until then; or
  - issue a final order based on "default."
- If the abuser does not consent to a final order, you must present evidence of the abuse to the judge. If you will represent yourself, see our Preparing for Court - By Yourself page.

## After the Hearing

- Check the final order for any errors before leaving court. Keep it with you at all times.
- If you are denied a final order, you could ask an attorney whether you could appeal.
- Even if you get an order, think about **safety** planning. Contact a local domestic violence organization for help.

