

FAMILY VIOLENCE

PROTECTIVE ORDERS

A Self-Help Manual for Victims of Family Violence ©

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“...and justice for all.”

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A. INTRODUCTION{tc "A. INTRODUCTION"}

The Family Violence Act, beginning at O.C.G.A. § 19-13-1, is a law to protect people who are abused by present or past spouses, parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children or other persons living or formerly living in the same household. It can also be used to get temporary custody, financial support and other assistance for the abused person. If there is no relationship and you do not qualify for a family violence protective order, you may be eligible for a protective order under the Stalking Law, O.C.G.A. § 16-5-94. Talk to an advocate about this possibility.

This manual tells you how to ask the court for a family violence protective order. It explains how to decide if the law applies to you and what all the terms used in family violence cases mean. This manual tells you how to fill out the necessary forms, how to file the forms, and what happens at a hearing. First, you must prepare the petition, ex parte protective order and six month protective order. At the time you file your petition, the judge may give you immediate protection by signing the an emergency protective order called an ex parte order. If the judge signs an ex parte protective order, the judge will then set up a hearing to be held within 10 but not later than 30 days from the time the order is signed. At the second hearing, the judge will hear witnesses and take evidence. The abuser can also testify and ask you questions. The judge can sign a temporary protective order which can lasts up to twelve months.

The law allows people to represent themselves (pro se) in court to get a protective order. Your legal case can get complicated, especially if you have children and file for custody and support. **You should always try to have a lawyer if you can.** The Family Violence Act also allows family violence shelters or social services agencies, designated by the court, to help you fill out and file papers for a family violence protective order.

B. WILL THE LAW PROTECT YOU?{"B. WILL THE LAW PROTECT YOU?"}

Before you prepare and file a family violence case, you must decide if the law applies to you and your situation. It does not apply to all persons and all acts of violence. There are two tests under this law. They are (1) the relationship test and (2) the violence test.

The Relationship Test - The violence must be between people who have some relationship now or in the past. If you can answer yes to any of the following questions, then you meet the relationship test.

1. Is the violence between you and your husband or wife or past husband or wife?
2. Is the violence between you and the other parent of your child?
3. Is the violence between you and your parents, stepparents/foster parents?
4. Is the violence between you and your children, stepchildren/foster children?
5. Is the violence between you and a person who is living or formerly lived in the same household?

The Violence Test - The violent act must be a certain type of act. If you can answer yes to any of the following questions, then you meet the violence test.

1. Is the act a felony? (A felony is a crime defined by state law as a felony. Some examples are homicide, attempted homicide, rape, arson.)
2. Is the act a battery or simple battery? (When a person intentionally and wrongfully touches another, or causes physical harm to another.)
3. Is the act an assault or simple assault? (When a person attempts to injure another, or put another person in reasonable fear of being hurt.)
4. Is the act stalking? (When a person follows or contacts another for the purpose of harassing and intimidating.)
5. Is the act criminal damage to property? (When a person illegally damages property.)
6. Is the act unlawful restraint? (When a person illegally arrests, confines or detains another person.)

7. Is the act a criminal trespass? (When a person damages property of another valued at \$500.00 or less, or when a person knowingly or maliciously interferes with the property of another, or when a person comes onto the property of another without permission to do so.)

If you answered yes to one of the questions in the relationship section **and** you answered yes to one of the questions in the violence section, then the law may protect you.

C. WHO CAN FILE A PETITION?

If you are 18 years of age or older and you are the victim of family violence, you can file the petition. If you are under 18 and you are the victim of violence, you must find someone who is 18 years of age or older to file the petition for you. The law will not protect you if the violent act was reasonable discipline by a parent to a child.

D. DEFINITIONS

Petitioner - the person who is asking the court for protection from family violence.

Respondent - the abuser, the person committing the violent act.

Petition - the papers that tells the court about the violence and asks for protection.

Filing - giving the petition (court papers) to the clerk of the court.

Hearing - appearing in court before a judge and telling about the violence and why you need help from the court.

Ex parte (pronounced X- PARTay)- the judge hears only one side. The first hearing is usually ex parte, meaning the judge only hears your side. If you have a witness, you can bring one witness.

Pro se - representing yourself in court; not having a lawyer.

Superior Court - there are many types of courts (for example, Probate, Juvenile, State).

The Superior Court is where a petition for a family violence order must be filed.

Clerk - the person who handles the filing of legal papers. Find the Superior Court Clerk.

Notary Public - person who witnesses (notarize) signatures. Generally, you can find a notary public at the clerk's office, banks, and Legal Services' offices.

E. PREPARING A PETITION FOR A FAMILY VIOLENCE PROTECTIVE ORDER{tc
"E. PREPARING A PETITION FOR A FAMILY VIOLENCE PROTECTIVE ORDER"}

Form A (page 18) is a sample Petition for Family Violence Protective Order. Look at it as you go through the following instructions. It cannot fit all cases, but it can help as a sample.

HEADING - The heading identifies the case and the parties. Usually the papers must be filed in the county where the abuser/respondent lives. If the abuser recently moved talk to an advocate about where you should file. A family violence proceeding involving an abuser who does not live in Georgia can be filed in the county where the petitioner/victim lives or in the county where the violence took place.

If you use Form A, on the left hand side put in your name. You are the petitioner. The respondent is the person who committed the violent act. On the right hand side of the page, see the words "Civil Action File No. _____." **Do not** put a number in the blank. When you file the papers with the clerk, the clerk will fill in a number. Then make sure that the number is placed everywhere it says Civil Action File No. on the orders (on the top of each page).

FACTS - Tell the court about your situation. Each paragraph is numbered. Some of the paragraphs tell the judge information which must be included. Some of the paragraphs can be checked if they apply to you, other paragraphs may not apply to your case and should not be checked. For example, if you do not have children or the abuser has no legal claim to the children,

do not check these paragraphs. If you are not sure about a fact in one of your answers make sure that your answer is written as “may be”, “about,” “approximate,” etc.

PARAGRAPH ONE: Fill in the blank with the name of the county where you live. Also tell the court if you are an adult over 18. Fill in the information about your date of birth, etc. If you are a minor someone over 18 can file for you. It would be best to see a lawyer if you are under 18.

PARAGRAPH TWO: You must tell the court what county the abuser lives in and the address at which he can be only served. If the abuser lives out of state, fill in Paragraph 2a. Strike out the paragraph that does not apply.

PARAGRAPH THREE: Tell the court how you are related to the abuser. Check one.

PARAGRAPH FOUR: Describe the violent acts. In the first blank tell the court when the most recent violent act occurred. Tell the court what happened. You should include the actual act (for example, hitting, beating with fists, throwing a lamp at you, choking, twisting legs and arms, etc.), the extent of injury (for example, breaking arms or legs, deep cuts, severe bruises, loss of teeth), and any medical attention you got. Also, tell the court if the respondent/abuser is an alcoholic, has weapons, or uses drugs, and if you called the police or the respondent was arrested.

PARAGRAPH FIVE: If this is not the first time respondent has abused you, tell the court about another time(s), or give a brief description of the history of abuse.

PARAGRAPH SIX: States that it is likely that future acts of violence will be committed against you and your children if relief is not granted.

CHECK ONLY THE REMAINING PARAGRAPHS THAT APPLY TO YOUR CASE.

PARAGRAPH SEVEN: Tell the court how many children you have that the abuser can

make a legal claim for and give their names and ages. Tell the court where your children have lived for the past 5 years.

PARAGRAPH EIGHT: If you and the respondent are not married but the abuser may claim legal rights to custody or visitation, tell the court if he has legitimated the children. If you are not married, the father must petition the court to legitimate the children and have them declared his legal children to have any custody or visitation rights. You have to be notified of this action. Until this is done the mother has sole control over the children. If you are married to the abuser or he is not the children's father, do not check this paragraph.

PARAGRAPH NINE: Tell the court if there are any other lawsuits about your children or people with claims for custody of your children.

PARAGRAPH TEN: If you have minor children who live with you that need protection, but are not the abuser's children, tell the court their names and ages.

PARAGRAPH ELEVEN: Tell the court if the abuser has a criminal history or a history of violence toward others.

PARAGRAPH TWELVE: If you don't want the abuser to know where you are, you must ask the court to not release your address and tell the court why. Do not put your secret address in the Petition if you do not want the abuser to know where you are.

PARAGRAPH THIRTEEN: If you want the Court to award you the sole use and temporary possession of the family residence, check and complete this paragraph.

PARAGRAPH FOURTEEN: If the respondent is the parent of your minor children and you need money to be able to pay for food, clothing, rent, and other expenses for you and the minor children, check this paragraph.

PARAGRAPH FIFTEEN: If the respondent is your spouse and you need or will need money from him to pay for your living expenses, check this paragraph.

PARAGRAPH SIXTEEN: States who has current physical custody of the children and asks that you be awarded custody of the children.

PARAGRAPH SEVENTEEN: If the respondent has taken things of yours or has taken any joint property you would like returned, check and fill in this paragraph.

REQUEST FOR RELIEF: Paragraph (a) asks that the court set a hearing. Paragraph (b) asks the court to serve/give copies of the papers to the abuser. Paragraph (c) asks the Court to direct law enforcement to enforce the Order. Paragraphs (d, e and f) ask the court to order the respondent to stop abusing you, and for a restraining order preventing the respondent from contacting you or coming around you (**fill in the yards to stay away, for example, 100 yards**). Paragraph (i) requests a Ex Parte Protective Order that orders most of the things you check off below. **Check the things that you need in your case.** For example, if you have children, you must ask for custody to have the court award you legal and physical custody. You should ask for everything you might need. If you do not ask for it in the petition the court may not grant it. Make sure you fill in all the information needed in the paragraphs you check.

In the last paragraph you can request other things that are not mentioned in the form, such as having the Respondent pay the rent or insurance, turn over documents such as birth certificates, or pay medical bills incurred from the abuse. If the Respondent has a gun, you can also ask the court to order him to give the gun to the law enforcement office for the duration of the order or to dispose of it some other way. You should definitely ask the judge to order that the “Respondent shall not possess a firearm while any temporary protective order is in effect.”

SIGNATURES - You must sign the petition. Under your signature, print your name and give an address and, if you have one, telephone number. Some people may not want the abuser/respondent to know where they are living because they may fear further harm. If this is the case, you should use an address where you can reliably receive mail. You do not have to give an address, but the court may require that you supply an address that they can send out notices about hearings or other information about your case.

RESPONDENT IDENTIFYING FACT SHEET: Fill in as much information as you can. This is identifying information that law enforcement can use to identify the abuser.

ASSISTED BY: If someone assists you with this form and in filing it they must fill this section out.

VERIFICATION: This must be signed in front of a notary public. You are swearing that the facts you have stated in your petition are true and correct. If you are not sure about the facts in your answer make sure the statement is written as “may be,” “about,” “approximate,” etc.

F. COURT COSTS {tc "F. COURT COSTS "}

There are no court costs or service fees for filing a family violence petition.

G. PREPARING THE EX PARTE PROTECTIVE ORDER{tc "G. PREPARING THE EX PARTE PROTECTIVE ORDER"}

You must prepare the order which you will ask the judge to sign after the first emergency (ex parte) hearing. Take it with you when you file your petition. The order will list the things you asked the court to do immediately. It will last only until the next hearing within 30 days. It may not cover all the issues. There is a sample Family Violence Ex Parte Protective Order at the end of this

manual. Form B.

HEADING - Prepare the heading just as you did for the Petition for Protective Order. Fill in the Civil Action File No. with the number the clerk gave to the Petition. Do not fill out the ORI section, the court will do that.

THE EX PARTE PROTECTIVE ORDER - Put in the county name, the names of the parties and the civil action number on the order. (You can hand write in the civil action number when you receive it from the Clerk.) Each paragraph is numbered. Form B is the Ex Parte Protective Order. Paragraph 1 orders that the case be filed by the clerk. Paragraph 2 reminds law enforcement that this order is enforceable throughout the state. Paragraph 3 orders law enforcement to serve the respondent. Paragraph 4 orders the respondent to appear in court for a hearing. The judge or the court will fill in the date and time. Paragraph 5 and 6 orders the abuser to stay away from you and your children. Paragraph 7 states that the Court determined that it had jurisdiction over the parties and the subject matter of the case, and that this Order is valid and enforceable in every state and jurisdiction in the United States.

From paragraph 8 on to the end you must circle the number of each paragraph that you have asked the Court to award you in your petition. This is to help the judge determine what you have requested. If the judge agrees that you should be temporarily awarded these then he/she will initial the paragraph. At the ex parte hearing, the judge may not award many of the things you requested. The judge may wait until the second hearing to consider awarding all that you requested. Only those paragraphs that are initialed by the judge shall apply.

Paragraph 8 gives you temporary sole use of the family residence; ask the judge if you should fill in the address. If the judge say that you should then you should fill out the address.

Paragraph 9 orders the respondent to leave the family residence immediately. Paragraph 10 orders the Respondent to provide suitable alternative housing by a certain date. Paragraph 11 orders your address to be kept confidential. Paragraph 12 orders the respondent to stay away from where you live and work. You should fill out the address of your work if the judge has agreed to this paragraph. Do not fill in the address of your residence if you are asking the Court to keep this confidential. In paragraph 13 the judge will fill in the number of yards, such as 100 yards. Paragraphs 14 orders the respondent to have no contact with you, even through a third party. Paragraphs 15, 16, and 17 deal with custody, child support and support for you. In paragraph 15, you should fill in the name(s), date(s) of birth and sex(es) of the child/ren. The judge will fill out the paragraph on support if she/he decides to award support at the ex parte hearing. Paragraph 18 allows the respondent to get his clothing and personal items if accompanied by law enforcement.

Paragraph 19 restrains you and/or the respondent from getting rid of any of your property or jointly owned property. Paragraph 20 restrains you and/or the respondent from canceling or changing the utilities or health, auto, or life insurance. Paragraph 21 gives you use of the vehicle you requested; fill out the vehicle information. Paragraph 22 allows you to remove certain things from the home if you have not asked for the respondent to be removed or if the judge has not granted you use of the family home. Paragraph 23 orders the respondent to return those items you have requested; fill out the requested items. Paragraph 24 will be completed by the judge and can cover other issues not addressed in the order.

Where it says "Prepared by" sign your name on the top line and print or type in - your name, and give an address so that the court can contact you if necessary. If you are asking the court to keep your address confidential then use the reliable address you used on the petition.

Finally, fill out the Respondent's and Petitioner's Identifying Information. **Make sure that the Civil Action File No. is filled in on the top of each page of the Order.**

H. PREPARING FOR THE HEARING

After you have the completed papers, you are ready to file your petition and to go to the first hearing before the judge. Make sure you have the following papers with you:

1. Petition for Temporary Protective Order (the original and 2 copies) [Form A]; make sure that the Petition is notarized;
2. Family Violence Act Ex Parte Protective Order (the original) [Form B];
3. Domestic Relations Financial Affidavit (if you are requesting support) [Form C].

At this first ex parte hearing only one side is presented and it is here that you will tell the judge your story. Your abuser will not be there for this hearing. First, call the Superior Court clerk's office to ask if the judge is available for a family violence ex parte hearing. Also ask if you are to go first to the clerk's office or directly to the judge. In some counties the judge is available only on certain days of the week or you may have to go to another court handling hearings that day. Next, go to where the clerk's office directed you, either the clerk's office or directly to the judge. If you go first to the Superior Court clerk's office to file your petition, ask about a hearing with the judge. The clerk will tell you where you need to go to see the judge. If you are directed to go first to the judge you will then go to the clerk's office and the clerk will give you the number for your case which is the Civil Action Case Number. Put this same number on the top right of each part where it is written "Civil Action Case No."

Judges cannot issue orders unless they hear evidence. At the ex parte hearing it is your job to show that violent acts happened, that they are likely to happen again, and that you need legal protection. Some judges only look at what you have written in your petition. Some judges will

talk with you about what happened. You may want to write notes about what happened so that you can tell the judge your story clearly. The story does not need to be long, but must include the important facts about what happened and how this made you feel, if you were afraid or frightened. If other evidence is available (see examples below), take it with you and present it to the judge. If possible get certified copies of papers, but take copies with you if that is all you can get.

1. Medical Evidence and Bills - If you had to have medical treatment because of the abuse, get the doctor's report or the hospital report and give it to the judge, along with any bills you have.
2. Police Reports - If you called the police and a report was prepared, get a copy of the report from the police station. Give this to the judge.
3. Warrants - If you took out a warrant against the abuser, get a copy of the warrant and give it to the judge.
4. Photographs - Take photographs of your injuries as soon as possible. If you don't have a camera, the local domestic violence shelter will have one. Take pictures of any damage your abuser did to property.
5. Witnesses - At the ex-parte hearing the court will allow you to have one witness. The witness must be a person who actually saw the violent act or who saw you shortly after the violence happened. The witness should describe the violent act and any injuries the witness saw. CAUTION: Generally a witness cannot tell the court what you told the witness or what another person told the witness.

If you cannot get any of these documents in time for the ex parte hearing, keep working on it because you will need them for the next hearing when the Respondent will also be present to give testimony.

I. AT THE FIRST (EX-PARTE) HEARING

Each court operates a little differently. Tell the bailiff or the judge that you have a Family Violence Petition and want to have an ex parte hearing. In some courts the judge may meet with you in his/her chambers. Some judges will only look at what is written in your petition and not talk with you. Give the judge your petition. You will be sworn in and tell the judge about your case.

You should say something like this -

1. My name is _____.
2. I live in _____ county.
3. The respondent lives in _____ county.
4. The respondent is my _____(husband, former husband, boyfriend, etc.).
5. We have ____ children, their names and ages are _____.
6. Then present your evidence about the violent acts. First, describe in detail the violent acts. Tell your story in a short, organized, clear, not overly emotional way.
7. Then if you have any other evidence like medical records or police reports give that to the judge and explain it. Give the judge your completed, notarized domestic relations financial affidavit.
8. Tell the judge what you want. If you want custody, it is particularly important that you tell the judge how the children have been damaged by the abuse, either by being abused themselves, or by seeing you being abused. If the abuser is still in the home and you want him to leave, tell the judge. If you want use of a car or particular things, tell the judge. If you are dependent on the respondent for support, tell the judge and ask that s/he order support. Ask the judge to order that the respondent not cut off the utilities or make any changes in medical, life or car insurance. Ask the judge to order that respondent not destroy, encumber, or damage any property in your name or in both your names.
9. If you have a witness, you should tell the judge that you have a witness and tell the judge the witness's name. If the judge decides to allow the witness, s/he will be sworn in. The judge will ask the witness to describe what the witness saw.
10. Once the witness has talked to the judge, tell the judge that you have no further questions and that you have a Ex Parte Protective Order prepared for review.
11. Give the Ex Parte Protective Order to the judge. Answer any questions the judge asks truthfully.
12. If the judge signs the order, s/he will set a hearing date- usually within 10 days but no later than 30 days from the date you are in court.
13. Whether or not the judge signs the order you should say "thank you, your Honor." If the judge does not sign the order, consult an attorney.
14. After the judge signs the Ex Parte Protective Orde, take it to the clerk's office to have it filed.
15. Take a copy of the filed Ex Parte Protective Order to the sheriff's department.
16. **Keep a copy of the signed Ex Parte Protective Order with you at all times.**

At the sheriff's department you will need to fill out a form so that the sheriff's office can

serve the papers on your abuser. (Sometimes this is done at the clerk's office and the clerk will send this form and the Respondent's copy of the Petition Ex Parte Protective Order to the sheriff's office for service on the Respondent. You must ask the clerk which way this will be done in your county.) This information includes: address where the abuser lives, address where he works, hours worked, social security number, physical description of your abuser (scars, tattoos, height/weight, etc.). **If your abuser owns any guns, please write that information down where the form asks for additional information.**

REMEMBER - ALWAYS BE CAREFUL.

Neither the police nor the courts can guarantee that you will be safe.

J. THE FINANCIAL AFFIDAVIT{tc "J. THE FINANCIAL AFFIDAVIT"}

Any time you ask for support you must file a financial affidavit. [Form C]. Fill in as much information as you can. If you don't know some information leave it blank. You must tell the court about your income and expenses so the court will know how much support to order.

In part five, estimate how much money it would cost to run your household. If you are in a shelter or living with a family member or friend and you intend to go into your own home, estimate the expenses of living in your own home. Note on the form you are estimating expenses for your own household. Sign the form in front of a notary. This is a sworn document.

K. THE SECOND HEARING (30-DAY HEARING)

You will need the Family Violence Temporary Protective Order for the second hearing. [Form D]. It is prepared the same way you prepared the Ex Parte Protective Order. Except for filling in the county, the names and case number, and checking the paragraph that lists the areas in

which you have requested a decision by the judge, you should usually allow the judge to complete the Order or fill in only what the judge tells you to fill in after the hearing. One exception to this would be paragraph 27. If you asked for something specific in the last paragraph of the petition, you should add this to paragraph 27. If, for instance, if you asked that the Respondent turn in his gun to the sheriff's office, you could write, "It is further ordered that Respondent shall turn in any firearm he owns or which is in his possession to the _____ County Sheriff's Department within 24 hours of the entry of this order. Respondent shall not be in possession of a firearm during the term of this order." Make sure you circle paragraph 26 if you have a relationship with the respondent that is listed. This shows that you are entitled to the protection of federal law restricting the Respondent's gun possession.

You should also fill out the Respondent Identifying Fact Sheet.

When the judge signed the Ex Parte Protective Order s/he set a hearing date for both you and the abuser to come to court. **You must go to the court on this date (even if the abuser does not attend) if you want the Order to continue for 12 months.** At this hearing, both you and your abuser may be in front of the judge. NOTE: Both parties have the right to have an attorney represent them (though neither party will be appointed a free attorney if they cannot afford one).

You have the same responsibility as you did at the first hearing. You must show the court that the violence happened by your testimony, witnesses or other evidence. You may use the evidence you presented to the court at the ex parte hearing and any additional evidence you have gathered.

When your case is called you will be sworn in. Tell the judge what happened using the same information you presented at the ex parte hearing. (See page 10). Also, if you are asking for

child support, bring the Domestic Relations Financial Affidavit [Form C] and the income deduction order [Form E]. Both should be presented to the judge. You say to the judge, “Your Honor, I would like to place into evidence the Domestic Relations Financial Affidavit.” After the judge has awarded child support, present him/her with the Income Deduction Order for signature.

After you present your information to the judge and your witnesses have testified, you should say to the judge, “I have no further questions or information, your Honor.” The judge may ask you questions. Answer all questions truthfully, if you do not know the answer or do not understand the question, tell the judge you do not understand or do not know the answer.

Your abuser has the right to ask you questions. Remain calm and answer only the question asked. Listen carefully to the question.

After this, your abuser will have a chance to tell his side of the story. You do not need to do anything during this time except listen carefully. Keep calm and cool. Even if your abuser lies, do not blow up or call him a liar. After your abuser tells his side, the judge may ask him some questions. The judge will then allow you to ask your abuser questions. You do not have to ask questions. Unless you are certain that your question will help the judge better understand the case, you should not ask a question. **DO NOT ARGUE WITH YOUR ABUSER.**

After your abuser gives his side and you have asked him questions, the judge may ask you if you have anything further to say. You should say something else only if you need to clarify or want to make it known to the judge that your abuser did not state what really happened. Tell the judge what you want and ask for the Protective Order to be continued for 12 months.

The judge will then decide the case. If the judge decides to grant your Protective Order give him your Family Violence Protective Order. [Form D]. Also, anytime a child support order is

entered an income deduction order must also be signed. [Form E]. Until July, 2006, the courts are required to award child support based on the following child support guidelines:

Children	% of Gross Income of Payor
1	17% to 23%
2	23% to 28%
3	25% to 32%
4	29% to 35%
5 or more	31% to 37%

The court can vary these awards in special circumstances depending on other factors, including the age of the children, medical costs, educational costs, and day care costs. If the court does not award this amount of support it must file a written finding saying why. The court must also include a written calculation showing how the child support was calculated. Child support cannot be based on public assistance, like TANF (welfare) or SSI. After July 1, 2006, new guidelines for child support will begin. If you receive this packet after July 2006, and it has not been updated to include the new law, be sure to consult an attorney or talk to the legal advocate at a battered women's shelter.

Always be respectful in court. If the judge refuses to grant your order, see a lawyer. Take your signed Protective Order and Income Deduction Order to the clerk's office. Get a certified copy of the Protective Order. Make sure the sheriff's office and/or police department gets a copy of the Protective Order. Get a copy of the Income Deduction Order. Send a copy of the Income Deduction Order to your abuser's employer and to the abuser. **Keep a copy of the Protective Order with you at all times.**

**L. WHAT TO DO IF THE ABUSER/RESPONDENT VIOLATES THE ORDER{tc
"L. WHAT TO DO IF THE ABUSER/RESPONDENT VIOLATES THE ORDER"}**

Now that you have an order, you have legal protection. We hope that the abuser will follow the order and not break any of the orders of the judge. However, sometimes the abuser will not follow the order. If this happens, you must get the order enforced.

First call the Sheriff's Office or Police and report that you have a Protective Order, and that the abuser is still bothering you. Tell the police what happened. If the police refuse to arrest him, take the officer's name and ask to speak to his superior. Violation of a Family Violence Protective Order can be a felony offense under the stalking law.

Protective Orders can also be made permanent if abuse or the threat of abuse continues and you request an extension of the order **before** it expires. You should see your shelter or a lawyer if you need further help.

If the respondent violates the order by not paying support for yourself or your minor children, do not call the police. An action for contempt or a garnishment can be filed. An action for contempt is a legal procedure to get the court to make him obey the order. An action for garnishment permits you to garnish the respondent's wages.

Every situation can be different so always have a lawyer if you can. These forms and instructions are general models and cannot fit every situation. If you can't get a lawyer, you have the right to go to court yourself or with the help of a designated shelter worker. A court order will protect some people. It may protect you, but **ALWAYS BE CAREFUL**. Some abusers will still be dangerous. We hope this information is helpful.

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

_____	:	
Petitioner,	:	Civil Action File
	:	
v.	:	No. _____
	:	
_____	:	
Respondent.	:	

PETITION FOR TEMPORARY PROTECTIVE ORDER

The Petitioner, pursuant to the Family Violence Act at O.C.G.A. §§ 19-13-1 et seq., files this Petition for a Family Violence Protective Order and in support shows the Court the following:

1. The Petitioner is a resident of _____ County, Georgia and is 18 years of age or older or is an emancipated minor. Petitioner’s date of birth is _____, sex _____, race _____.

2. The Respondent is a resident of _____, County, Georgia and may be served at _____, _____ Georgia. Jurisdiction and venue are proper with this Court.

OR

2a. Respondent is a resident of the State of _____. Under O.C.G.A. § 19-13-2(b) jurisdiction and venue are proper with this Court because the abuse occurred in the State of Georgia in _____ County and/or the Petitioner lives in _____ County. Respondent is subject to the jurisdiction of this court and _____ may be served at _____.

3. Petitioner and Respondent are:
- _____ 1. Present or past spouses
 - _____ 2. Parents of the same child/ren
 - _____ 3. Parent and child/ren
 - _____ 4. Persons who used to live in the same household
 - _____ 5. Persons currently living in the same household
 - _____ 6. Foster parent and foster child
 - _____ 7. Stepparent and stepchild

4. On or about _____, _____ the Respondent committed the following acts of family violence against the Petitioner and/or minor child/ren:

possession of said residence, located at _____
together with all personal property contained therein with the exception of
Respondent's personal clothing.

____ 14. Petitioner and minor child/ren are dependent upon the Respondent for
support and requests that Petitioner be awarded temporary child support.

____ 15. Petitioner is dependent upon the Respondent for support and asks that Petitioner be
awarded temporary support.

____ 16. The minor child/ren are currently in the custody and control of the
Petitioner/Respondent and Petitioner asks legal and physical custody.

____ 17. Petitioner asks that the following assests/property of the Petitioner be returned by
the _____ Respondent _____ :

THEREFORE, Petitioner asks:

- (a) That the Court set a hearing no later than thirty (30) days from the filing of the
Petition and direct Respondent to appear before this Court and show any reasons
why the demands of the Petitioner should not be granted;
- (b) That the Respondent be served a copy of this Petition and Ex Parte Protective Order
as required by law;
- (c) That this Court direct law enforcement to enforce this Order;
- (d) That this Court direct Respondent to stop abusing, harassing and
intimidating Petitioner and/or Petitioner's child/ren;
- (e) That this Court restrain and enjoin Respondent from having any direct or
indirect contact with the Petitioner and/or Petitioner's child/ren;
- (f) That this Court order that Respondent be enjoined from approaching within
_____ yards of Petitioner;
- (g) That this Court make findings of fact and conclusions of law concerning the
issues in this case;
- (d) That Petitioner have such other and further relief as the Court may deem
just and proper;
- (i) That this Court issue an Ex Parte and Twelve Month Protective Order to:

Check the following paragraphs that apply to your case. Fill in the information needed by each paragraph you check.

___ award Petitioner temporary sole legal and physical custody of the minor child/ren;

___ order Respondent to vacate the family residence at _____
_____ instantler;

___ grant Petitioner exclusive temporary use and possession of the family residence at _____
_____ and all personal property of the parties located
at the family residence and Petitioner's current residence with the exception of
Respondent's personal clothing; that law enforcement _____ (sheriff or
police department) assist Petitioner in returning to the family residence and in ensuring that
the Respondent vacates said residence and that all keys, garage door openers and other
security devices to the family residence are secured and given to the Petitioner;

___ order Respondent to provide suitable alternate housing for Petitioner and/or Petitioner's
children;

___ order Respondent to stay away from Petitioner's and /or Petitioner's minor child/ren's
place of residence, place of employment, and/or school;

___ order Respondent's visitation with the minor child/ren be limited to no visitation or

_____;
_____;

___ order Respondent to pay to Petitioner child support for the minor child/ren;

___ order Respondent to pay spousal support for Petitioner;

___ award the Petitioner costs and attorney's fees for having to bring this action;

___ order that Petitioner's current address be kept confidential;

___ enjoin and restrain Respondent from selling, disposing or encumbering, trading,
contracting to sell, or otherwise disposing or removing from the jurisdiction of this Court
any of the property of Petitioner or of the parties except in the ordinary course of business;

___ enjoin and restrain Respondent from disconnecting the home utilities, changing and/or canceling
auto, health or life insurance for Respondent, Petitioner, and/or the Petitioner's minor
child/ren, and/or interfering with Petitioner's or the Petitioner's minor child/ren's mail;

___ grant Petitioner the use of the following automobile: Make _____, Model _____, Year _____,
and law enforcement _____ (sheriff or police department) ensure that all keys to said vehicle

be immediately returned to Petitioner;

___ permit Petitioner to remove the following property from the residence for the exclusive use by Petitioner and/or the minor child/ren _____

and law enforcement _____ (sheriff or police department) be ordered to assist the Petitioner during this removal;

___ order Respondent to undergo evaluation for drug/alcohol abuse and to follow the recommended treatment;

___ order Respondent to undergo a batter's intervention program and to follow the recommended treatment;

___ order Respondent to return _____ to Petitioner immediately.

___ order Respondent to reimburse Petitioner for damages or expenses for the following: _____

___ order additional relief as follows: _____

Respectfully submitted,

Address _____

Petitioner

Phone _____

(Do not give current address, if confidential, give alternative address)

RESPONDENT'S IDENTIFYING FACT SHEET

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth, or social security number.)

Respondent's social security number is _____, date of birth is _____, sex _____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tatoos, scars, etc.) _____. Respondent drives a _____, license tag number _____ and has a _____ (state) driver's license number _____. Respondent's home address is _____ and is employed by _____ at _____ and works from _____ to _____ on (days) _____.

THE SUPERIOR COURT FOR THE COUNTY OF _____
STATE OF GEORGIA

_____,
Petitioner,
v.
_____,
Respondent.

:
:
:
:
:
:
:
:
:
:

Civil Action File
No. _____

VERIFICATION

Personally appeared _____, who being duly sworn states that she/he is the Petitioner in the above styled case and that the facts set forth in the foregoing Petition for Temporary Protective Order are true and correct.

_____ Petitioner

Sworn and subscribed before
me this ____ day of _____, _____.

NOTARY PUBLIC
My commission expires:

REMOVE THIS PAGE FROM PETITION

Pursuant to O.C.G.A. Section 19-13-3,

Petitioner assisted by

Name: _____

Address: _____

Telephone: _____

STATE OF GEORGIA

_____,
Petitioner,
vs.
_____,
Respondent.
: Civil Action File
: No. _____
:
:
:

FAMILY VIOLENCE EX PARTE PROTECTIVE ORDER

The Petitioner having prayed pursuant to O.C.G.A. §§ 19-13-1 et seq., that a Protective Order be issued; and alleged that Respondent has committed acts of Family Violence and that Petitioner is in reasonable fear of the Petitioner’s safety and the safety of Petitioner’s child/ren; and it appearing to the Court that probable cause exists that family violence has occurred in the past and may occur in the future, IT IS HEREBY ORDERED AND ADJUDGED:

- 8. That these proceedings be filed in the office of the Clerk of this Court.
- 9. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. § 19-13-4(d). Law Enforcement officers may use their arrest powers pursuant to O.C.G.A. §§ 19-13-6 and 17-4-20 to enforce the terms of this Order.
- 10. That a copy of this Order be given to law enforcement and the Respondent be served with a copy of this Order and Petition for Ex Parte Protective Order instanter.

4.

That the Respondent appear before this Court, on the ____ day of _____, _____ at _____ .m. in room _____ of the _____ County Courthouse at _____ to show cause why the requests of the Petitioner should not be granted.

FORM B

5. That Respondent is hereby enjoined and restrained from doing, or attempting to do,
 pco 01 or threatening to do, any act of injury, maltreating, molesting, following, harassing, harming or abusing the Petitioner and/or the minor child/ren in any manner. Respondent is not to interfere with Petitioner's travel, transportation, or communication. Respondent shall not follow, place under surveillance, or contact the Petitioner at any place of the Petitioner for the purpose of harassing and intimidating the Petitioner.
6. That the Respondent is enjoined and restrained from doing or threatening to do any
 pco 02 act of injury, maltreating, molesting, harassing, harming, or abusing the Petitioner's family or household.
7. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and the Court ordered that the Respondent be given reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights. This Order shall be presumed valid and pursuant to 18 U.S.C. § 2265(a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as if an Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY.

- _____ 8. That until further Order by this Court, Petitioner is awarded sole and exclusive use
 pco 03 of the family residence at _____.
- _____ 9. Respondent is ordered to leave the family residence immediately and law enforcement _____ (sheriff or police department) is ordered to assist Petitioner in returning to the family residence and the removal of the Respondent. Respondent is to immediately surrender to law enforcement _____ (sheriff or police department) all and any keys, garage door openers and other security devices to the family residence and law enforcement is to insure that these are given to the Petitioner.
- _____ 10. Respondent is ordered to provide suitable alternate housing for Petitioner and/or Petitioner's child/ren by _____.
- _____ 11. Petitioner's address is ordered to be kept confidential.
- _____ 12. Respondent is ordered to stay away from Petitioner's and Petitioner's minor
 pco 04 child/ren's residence at _____ and workplace at _____ or school and

any subsequent residence or workplace or school of Petitioner and/or Petitioner's minor child/ren.

_____ 13. That until further Order of this Court, Respondent is restrained and enjoined from approaching within _____ yards of Petitioner and/or Petitioner's minor child/ren.
pco 04
pco 01

_____ 14. Respondent is ordered not to have any contact, direct, indirect or through another person with Petitioner, by telephone, pager, fax, e-mail or any other means of communication except as specified in this Order.
pco 05

_____ 15. That Petitioner is awarded temporary custody of the minor child/ren, namely:

_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____

Respondent is ordered not to interfere with the physical custody of the minor child/ren.

_____ pco 06 Initial here **only if Respondent** is awarded temporary custody of child/ren.

_____ 16. That Respondent is ordered to pay temporary child support for the minor child/ren to Petitioner in the amount of \$ _____ every _____ beginning _____.

All payments shall to be made by or to: _____ income deduction order
 _____ child support receiver
 _____ by mail directly to Petitioner
 or _____

_____ 17. That Respondent is ordered to pay temporary support for the Petitioner in the amount of \$ _____ every _____ beginning _____.

All payments shall to be made by or to: _____ income deduction order
 _____ child support receiver
 _____ by mail directly to Petitioner
 or _____

_____ 18. That Respondent, **only when accompanied by local law enforcement**, shall be able to remove his/her clothing and personal items from the residence as follows:

-
- _____ 19. That (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to sell, encumber, trade, damage, contract to sell, or otherwise dispose of or remove from the jurisdiction of this Court any of the property or pets of the Petitioner or joint property or pets of the parties except in the ordinary course of business.
- _____ 20. That (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to disconnect or have disconnected the home utilities, change or have changed and/or cancel or have canceled auto, health or life insurance for Respondent, Petitioner, and/or Petitioner's child/ren or interfere with Respondent, Petitioner's and/or Petitioner's child/ren's mail.
- _____ 21. That Petitioner is awarded temporary sole possession of the vehicle: Make _____ Model _____ Year _____ Color _____. Respondent shall immediately surrender all keys, proof of insurance, and registration to this vehicle to law enforcement and law enforcement shall immediately turn over said items to Petitioner.
- _____ 22. That Petitioner shall be allowed to remove the following property from the family residence for Petitioner and/or Petitioner's child/ren's use _____
_____.
On _____, 20_____ at _____ and law enforcement _____ (sheriff or police department) is hereby ordered to assist the Petitioner during this removal.
- _____ 23. That Respondent shall be required to return the following property for Petitioner and/or Petitioner's child/ren's use _____
_____. On _____, 20_____ at _____m. and law enforcement _____ (sheriff or police department) is hereby ordered to assist the Petitioner with this return.

24. It is further Ordered _____
pco 08 _____.

SO ORDERED this ____ day of _____, _____.

JUDGE, SUPERIOR COURT
_____ County

Print or stamp Judge's name

Violation of the above Order may be punishable by arrest.

NOTICE TO RESPONDENT

1. **Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.**
2. **This Order shall remain in effect unless specifically superceded by a subsequent Order signed and filed, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify or dismiss this Order. Either party may ask this Court to change or dismiss this Order.**
3. **A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts another person on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony aggravated stalking, which carries penalties of imprisonment for not less than one (1) year nor more than ten (10) years and a fine of up to \$10,000.00.**

RESPONDENT'S IDENTIFYING FACT SHEET

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth or social security number.)

Respondent's social security number is _____, date of birth is _____, sex _____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____.

Respondent has distinguishing marks (tatoos, scars, etc.) _____.

Respondent drives a _____, license tag number _____ and has a _____ (state) driver's license number _____. Respondent's home address is _____ and is employed by _____ at _____ and works from _____ to _____ on (days) _____.

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

PETITIONER'S IDENTIFYING INFORMATION

Protected parties:

_____	DOB	_____	sex	___	race	___
_____	DOB	_____	sex	___	race	___
_____	DOB	_____	sex	___	race	___
_____	DOB	_____	sex	___	race	___

Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

Civil Action File No. _____

REMOVE THIS PAGE FROM ORDER

Pursuant to O.C.G.A. Section 19-13-3,

Petitioner assisted by

Name: _____

Address: _____

Telephone: _____

- (c) Average monthly expenses (Item 5A) \$ _____
- Monthly payments to creditors (Item 5C) + _____
- Total monthly expenses and payments to creditors (Item 5C) _____
- (d) Amount of spousal/child support needed by Affiant \$ _____
- (e) Amount of child support indicated by Child Support Guidelines \$ _____

3. A. YOUR GROSS MONTHLY INCOME

(All income must be entered based on monthly average regardless of date of receipt. Where applicable, income should be annualized.)

- Salary \$ _____
- Bonuses, commissions, allowances, overtime, tips and similar payments
(based on past 12-month average or time of employment if less than 1 year)
- ATTACH SHEET ITEMIZING THIS INCOME \$ _____
- Business income from sources such as self employment, partnership, close corporations and/or
independent contracts (gross receipts minus ordinary and necessary expenses
required to produce income)
- ATTACH SHEET ITEMIZING THIS INCOME. \$ _____
- Disability/unemployment/worker's compensation _____
- Pension, retirements or annuity payments _____
- Social Security benefits _____
- Other public benefits (specify) _____
- Spousal or child support from prior marriage _____
- Interest and dividends _____
- Rental income (gross receipts minus ordinary and necessary expenses
required to produce income) ATTACH SHEET ITEMIZING THIS INCOME. _____
- Income from royalties, trusts or estates _____
- Gains derived from dealing in property (not including non-recurring gains) _____
- Other income of a recurring nature (specify source) _____
- GROSS MONTHLY INCOME \$ _____

B. List and describe all benefits of employment, e.g., automobile and/or auto allowance, insurance (auto, life, disability, etc.), deferred compensation, employer contribution to retirement or stock, club memberships and reimbursed expenses (to the extent they reduce living expenses) **ATTACH SHEET, IF NECESSARY.**

- C. Net monthly income from employment (deducting only state and federal taxes and FICA) \$ _____
- Your pay period (i.e., weekly, monthly, etc.) _____
- Number of exemptions claimed _____

4. ASSETS (WHAT YOU AND YOUR SPOUSE OWN.)

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse column. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)

Description	Value	Separate Asset of Husband	Separate Asset of Wife
Cash	\$ _____	_____	_____
Stocks, bonds	\$ _____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____
Real estate: home	\$ _____	_____	_____
other	\$ _____	_____	_____
Automobiles	\$ _____	_____	_____
Money owed you	\$ _____	_____	_____
Retirement/IRA	\$ _____	_____	_____
Furniture/furnishings	\$ _____	_____	_____
Jewelry	\$ _____	_____	_____
Life insurance (cash value)	\$ _____	_____	_____
Collectibles	\$ _____	_____	_____
Bank accounts	\$ _____	_____	_____
(list each account)	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
Other assets	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
TOTAL ASSETS	\$ _____	_____	_____

5.A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments _____
 Property taxes _____
 Insurance _____
 Electricity _____
 Water _____
 Garbage & Sewer _____
 Telephone _____
 Gas _____
 Repairs & Maintenance _____
 Lawn care _____

AUTOMOBILE

Gasoline and Oil _____
 Repairs _____
 Auto tags and license _____
 Insurance _____

CHILDREN'S EXPENSES

Child care _____
 School tuition _____
 School supplies/
 expenses _____

Pest control _____
 Cable TV _____
 Miscellaneous household and grocery items _____
 Meals outside home _____
 Other _____

Lunch money _____
 Allowance _____
 Clothing/diapers _____
 Medical, dental prescription _____
 Grooming, hygiene _____
 Gifts (child's) _____
 Activities (child's) _____

OTHER INSURANCE

Health _____
 Life _____
 Disability _____
 Other (specify) _____

Your gifts (special holidays) _____
 Entertainment _____
 Vacations _____
 Publications _____
 Dues, clubs _____
 Religious and charities _____
 Miscellaneous (attach sheet) _____
 Other (attach sheet) _____
 Alimony paid to former spouse _____
TOTAL ABOVE EXPENSES _____

YOUR OTHER EXPENSES

Dry cleaning & Laundry _____
 Clothing _____
 Medical/dental _____
 Prescriptions _____

B. PAYMENTS TO CREDITORS

TO WHOM	BALANCE DUE	MONTHLY PAYMENT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total Monthly Payments to Creditors \$ _____

C. TOTAL MONTHLY EXPENSES \$ _____

Sworn and subscribed before me _____ Affiant
 This ____ day of _____, 20__.

Notary Public

ORI _____

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

Petitioner,	:	
	:	Civil Action File
	:	
vs.	:	No. _____
	:	
Respondent.	:	

FAMILY VIOLENCE TWELVE MONTH PROTECTIVE ORDER

A hearing was held on this matter on _____, _____ for which the Respondent had notice as required by law and at which the Respondent appeared and/or had the opportunity to be heard and the Petitioner requested that the Protective Order entered in this case be continued. Having heard the evidence presented, reviewed the petition and the entire record concerning this case and for good cause shown, **IT IS HEREBY ORDERED and ADJUDGED:**

8. That these proceedings be filed in the office of the Clerk of this Court.
9. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. § 19-13-4(d). Law Enforcement officers may use their arrest powers pursuant to O.C.G.A. §§ 19-13-6 and 17-4-20 to enforce the terms of this Order.
10. This Order shall be in effect for twelve (12) months from _____ until _____.
11. That the Respondent has violated the Family Violence Act, at O.C.G.A. § 19-13-1 et seq., by committing family violence, has placed the Petitioner in reasonable fear for Petitioner's safety, and represents a credible threat to the physical safety of Petitioner and/or Petitioner's child/ren. Respondent is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act of injury, maltreating, molesting, following, harassing, harming, or abusing the Petitioner and/or the minor child/ren in any manner. Respondent is not to interfere with Petitioner's travel, transportation, or communication. Respondent shall not follow, place, under surveillance, or contact the Petitioner at any place of the Petitioner for the purpose of harassing and intimidating the Petitioner.

FORM D

Civil Action File No. _____

5. That the Respondent is enjoined and restrained from doing or attempting to do, or
pco 02 threatening to do, any act of injury, maltreating, molesting, harassing, harming, or
abusing the Petitioner's family or household.

6. That this Court determined that it had jurisdiction over the parties and the
subject matter under the laws of the State of Georgia and Respondent received
reasonable notice and had the opportunity to be heard before this Order was issued
sufficient to protect the Respondent's due process rights and this Order shall be
presumed valid and pursuant to 18 U.S.C. § 2265(a) shall be accorded **full faith
and credit** by any other state or local jurisdiction and shall be enforced as if an
Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY

____ 7. Petitioner is awarded sole and exclusive possession of the residence at _____
pco 03 _____.

____ 8. Respondent is ordered to leave the family residence immediately and law
enforcement at _____ (sheriff or police department) is
ordered to assist Petitioner in returning to the family residence and the removal of
the Respondent. Respondent shall immediately surrender to law enforcement

_____ (sheriff or police department) all and any keys,
garage door openers and other security devices to the family residence and law
enforcement shall insure that these are given to the Petitioner.

____ 9. Respondent is ordered to stay away from Petitioner's and Petitioner's child/ren's
pco 04 residence and workplace and/or school and any subsequent residence or workplace
or school of Petitioner and/or Petitioner's minor child/ren.

____ 10. Respondent is ordered to provide suitable alternate housing for Petitioner and/or
Petitioner's child/ren by _____.

____ 11. That Respondent is restrained and enjoined from approaching within _____
yards
pco 01, pco 04 of Petitioner and/or Petitioner's minor child/ren.

____ 12. Respondent is ordered not to have any contact, direct, indirect or through another
pco 05 person with Petitioner, by telephone, pager, fax, e-mail or any other means of
communication except as specified in this Order.

_____ 13. That Petitioner is awarded temporary custody of the minor child/ren, namely:

_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____

Respondent is ordered not to interfere with the physical custody of the minor child/ren.

_____ pco 06 Initial here **only if Respondent** is awarded temporary custody of child/ren.

_____ 14. Respondent is ordered to pay to the Petitioner support for the minor child/ren in the amount of \$_____ every _____ beginning the _____ of _____, _____.

All payments are to be made by or to: _____ income deduction order
 _____ child support receiver
 _____ by mail directly to Petitioner
 or _____

In determining child support the Court finds as follows:

_____ monthly. The gross income of the father is \$_____ yearly or \$_____ monthly.

The gross income of the mother is \$_____ yearly or \$_____ monthly. The applicable percentages of obligor's gross income to be considered by the trier of fact to determine child support are:

One child	17 to 23 percent	Four children	29 to 35 percent
Two children	23 to 28 percent	Five children	31 to 37 percent
Three children	25 to 32 percent		

In this case child support is being determined for _____ child/ren and the applicable percentage of gross income to be considered is _____ to _____ percent. The court has considered the existence of special circumstances, and has found that no special circumstances **OR** the following special circumstances exist:

_____.

_____ 15. Respondent is ordered to pay temporary support for the Petitioner in the amount of \$_____ every _____ beginning _____.

All payments are to be made by or to: _____ income deduction order
_____ child support receiver
_____ by mail directly to Petitioner
or _____

- _____ 16. Respondent shall have visitation with the minor child/ren according to the following schedule, beginning _____:
 _____ no visitation
 _____ no visitation until _____
 _____ supervised visitation, supervised by a third party as follows: _____

 _____ visitation every other weekend from Friday at 6 p.m. until Sunday at 6 p.m., beginning _____, _____
 _____ other visitation _____
 _____ circumstances concerning how Respondent shall pick up and return the minor child/ren shall be _____

Strict compliance with this visitation provision shall not be a violation of the restraining provisions of this Order.

- _____ 17. Respondent, **only when accompanied by local law enforcement**, shall be able to remove his/her clothing and personal items from the residence as follows: _____

 On _____, 20____ at _____m.

- _____ 18. (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to sell, encumber, trade, damage, contract to sell, or otherwise dispose of or remove from the jurisdiction of this Court any of the property or pets of the Petitioner or joint property or pets of the parties except in the ordinary course of business.

- _____ 19. (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to disconnect or have disconnected home utilities, change or have changed and/or cancel or have canceled auto, health or life insurance for Respondent, Petitioner, and/or Petitioner’s child/ren or interfere with Respondent, Petitioner’s and/or Petitioner’s child/ren’s mail.

- _____ 20. Petitioner shall have sole, exclusive temporary possession of the vehicle: Make ____ Model _____ Year _____ Color _____. Respondent shall immediately surrender all keys, proof of insurance, and registration to this vehicle to law enforcement and law enforcement shall immediately turn over said items to Petitioner.

- _____ 21. Petitioner shall be allowed to remove the following property from the family

residence for Petitioner and/or Petitioner's child/ren's use _____

On _____, 20____ at _____ and law enforcement
_____ (sheriff or police department) is hereby ordered to
assist the Petitioner during this removal.

_____ 22. Respondent is ordered to undergo a batterer's intervention program and follow the
recommended treatment.

_____ 23. Respondent is ordered to undergo alcohol/drug abuse evaluation and follow the
recommended treatment.

_____ 24. Respondent shall be required to return the following property for Petitioner and/or
Petitioner's child/ren's use _____
_____ on _____, 20____ at
_____ and law enforcement _____ (sheriff or
police department) is hereby ordered to assist the Petitioner during this return.

_____ 25. Petitioner is awarded costs and attorney fees in the amount of _____.

_____ 26. Petitioner/protected party is either a spouse, former spouse, parent of a common
pco 07 child, Petitioner's child, child of Respondent, cohabitates or has cohabited with
Respondent and qualifies for 18 U.S.C. 922(g).

_____ 27. It is further Ordered _____
pco 08 _____.

SO ORDERED this _____ day of _____, _____.

JUDGE, SUPERIOR COURT
_____ County

Print or stamp Judge's name

Violation of the above Order may be punishable by arrest.

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

NOTICE TO RESPONDENT

- 1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.**
- 2. This Order shall remain in effect unless specifically superceded by a subsequent Order signed and filed, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify or dismiss this Order. Either party may ask this Court to change or dismiss this Order.**
- 3. If after a hearing, of which the Respondent received notice and opportunity to participate, a protective order is issued which restrains Respondent from harassing, stalking or threatening an intimate partner, Respondent is prohibited from possessing, receiving, or transporting a firearm or ammunition which has been shipped or transported in interstate or foreign commerce for the duration of the Order. 18 U.S.C. § 922(g).**
- 4. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts another person on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony aggravated stalking, which carries penalties of imprisonment for not less than one (1) year nor more than ten (10) years and a fine of up to \$10,000.00.**

RESPONDENT'S IDENTIFYING FACT SHEET

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth, or social security number.)

Respondent's social security number is _____, date of birth is _____, sex _____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tatoos, scars, etc.) _____. Respondent drives a _____, license tag number _____ and has a _____ (state) driver's license number _____. Respondent's home address _____ and is employed by _____ at _____ and works from _____ to _____ on (days) _____.

PETITIONER'S IDENTIFYING INFORMATION

Protected parties:

_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____

Civil Action File No. _____

_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____

Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

Civil Action File No. _____

REMOVE THIS PAGE FROM ORDER

Pursuant to O.C.G.A. Section 19-13-3,

Petitioner assisted by

Name: _____

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____	:	
Petitioner/Plaintiff,	:	
vs.	:	CV # _____
_____	:	
Respondent/Defendant.	:	

INCOME DEDUCTION ORDER

This Court having entered an order establishing, modifying or enforcing a child support obligation owed by the Defendant, and the Court having determined that an Income Deduction Order (IDO) should be entered in accordance with Official Code of Georgia § 19-6-30 et seq., it is ORDERED AND ADJUDGED:

1. INCOME DEDUCTION: The Defendant’s employer, future employer, or any other person, private entity, federal or state government, or any unit of local government providing or administering any periodic form of payment due to the Defendant, regardless of source, including without limitation wages, salary, commission, bonus, workers’ compensation, disability, payments from a pension or retirement program, and interest, shall deduct from all monies due and payable to the Defendant the following amounts:

2. AMOUNT OF DEDUCTION: Total Amount of Deduction is: \$ _____ per _____. This amount will decrease to \$ _____ per _____, when all Past Due Support is paid in full.

The deduction amount consists of the following amounts:

- A. Current Support \$ _____ per _____
- B. Past Due Support \$ _____ per _____
- C. Family Support \$ _____ per _____

Registry (FSR) fee: \$ _____ ** per deduction payment per O.C.G.A. § 19-6-33.1(j)

**Note: You will be later notified by Child Support Enforcement when the FSR fee is to be deducted.

3. PAST DUE SUPPORT: The Defendant named above owes **Past Due Support** in the amount of \$ _____ as of _____, _____. The Obligees shall have the right to any additional arrearage that may accrue through the date of the first deduction and for all other periods of non-payment.

FORM E

4. PAYMENT ADDRESS: The total amount deducted shall be forwarded within **two (2) business days** after each deduction to:

**Child Support Enforcement, FSR
P. O. Box 105730
Atlanta, Georgia 30348-5730**

5. PAYMENT INSTRUCTIONS: If you are deducting child support for more than one IDO, you must, upon future notification by Child Support Enforcement, deduct the FSR fee for each IDO. If the amount you are deducting for any one case is \$40.00 or more, the FSR fee for that IDO is \$2.00. If the deduction is less than \$40.00, the FSR Fee is 5% of the amount deducted. For example, the FSR fee would be \$1.75 for a \$35.00 order.

The Total Amount of Deduction will decrease after all Past Due Support is paid in full; it will reduce to the amount of Current Support plus the FSR fee. If Current Support shall end before all Past Due Support is paid in full then you should continue to deduct the Total Amount of the Deduction until all Past Due Support is paid in full.

6. CONSUMER CREDIT PROTECTION ACT: The maximum amount to be deducted shall not exceed the amounts allowed under 303.b of the Consumer Credit Protection Act, 15 U.S.C. § 1673(b) as amended.

7. EFFECTIVE DATE OF THIS ORDER:

Immediately

Upon a delinquency equal to one month's support. This court finds that good cause was shown to delay the effective date of this order. The Obligee or the IV-D agency may enforce this income deduction order by serving a "Notice of Delinquency" on the Obligor as provided in O.C.G.A. § 19-6-32(f).

8. DURATION: This Income Deduction Order supersedes any Income Deduction Order which may have been previously entered in this case. This Income Deduction Order shall remain in full force and effect until modified, suspended or terminated by further order of this Court.

9. PARTIES IDENTIFIED:

Defendant is: _____ SSN: _____ DOB: _____
Defendant's Address is: _____

Defendant's Employer is: _____

Employer's Address is: _____

Obligee is: _____ SSN: _____ DOB: _____

Obligee's Address is: _____

Child(ren):	Name: _____	DOB: _____
	Name: _____	DOB: _____
	Name: _____	DOB: _____
	Name: _____	DOB: _____
	Name: _____	DOB: _____
	Name: _____	DOB: _____

10. SERVICE: This Order and all further papers required to be served pursuant to O.C.G.A. § 19-6-30 et seq., shall be served upon Defendant by regular mail in accordance with the alternative service provisions of O.C.G.A. §§ 9-11-4(i) and 19-6-33(b). A copy of this order shall be mailed to: Child Support Enforcement, IDO Registry, P. O. Box 38070, Atlanta, Georgia 30334.

11. DUTY TO INSURE COMPLIANCE: The Defendant is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this IDO, including delivery of the same to his employer and future employers, and to personally monitor and confirm on an ongoing basis that the payments withheld are timely and properly deducted from his/her income and forwarded as ordered, correctly identified with the above case. Failure of the employer to perform under this order does not relieve the Defendant of his obligation to insure that payment is made.

12. STATEMENT OF OBLIGOR'S RIGHTS AND RESPONSIBILITIES: Under O.C.G.A. §19-6-32, the Court provides the following statement to the Defendant/Obligor, concerning his rights, remedies and duties in regard to this income deduction order.

- (a) The total amount to be withheld each and every pay period is described in Paragraph 2 above.
- (b) The income deduction applies to current and subsequent payors and periods of employment.
- (c) A copy of the income deduction order will be served on the Defendant/Obligor's payor or payors.
- (d) Enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the Defendant/Obligor.
- (e) The Defendant/Obligor is required to notify the Plaintiff/Obligee within seven (7) days of changes in his address and payors and the addresses of his payors.

SO ORDERED, this ____ day of _____, _____.

 Judge
 Superior Court of _____ County
 State of Georgia

Prepared by:
 Address:
 Georgia State Bar No.

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