

Petitioning the Court for an Order of Protection

WARNING: You are strongly encouraged to seek the advice of an attorney before filing any legal matter. This packet is designed to provide information and forms to people who are representing themselves in court. If you proceed without an attorney, it may negatively affect your legal rights. If you are unsure whether to proceed, or have questions about these forms or your legal rights, please consult an attorney. Please note that clerks of court, court staff, and judges may give you information about the court and its procedures but **cannot** give you legal advice.

***DISCLAIMER:** The information in this packet is not legal advice and cannot replace the advice of competent legal counsel licensed in your state. Laws vary from state to state and the information contained within this packet is specific for South Carolina. Please note that the information contained in this packet is subject to change so make sure that you have the most current version of this packet before filing.*

READ ALL THE INSTRUCTIONS CAREFULLY BEFORE YOU PROCEED. FAILURE TO FOLLOW THE INSTRUCTIONS LISTED IN THIS PACKET COULD LEAD TO YOUR CASE BEING DELAYED OR POSSIBLY DISMISSED.

The information that follows will help you file to seek an Order of Protection in South Carolina without an attorney. This is called *pro se* litigation. While someone self-represented before the court may save money on attorney expenses, someone acting without an attorney does not have the expert guidance that an attorney can provide. The other party may choose to hire an attorney.

If you do not know an attorney who can help you, you may call the South Carolina Bar's Lawyer Referral Service at 1-800-868-2284 and ask for a Family Law attorney in your county. Members of the Lawyer Referral Service have been in practice for more than 3 years, are in good standing, have provided proof of malpractice insurance, and have agreed to provide a 30 minute consultation for no more than \$50.

If you cannot afford an attorney, you may contact South Carolina Legal Services (SCLS) through the Legal Aid Telephone Intake Service at 1-888-346-5592. Please note that to qualify for a legal aid attorney through SCLS, your income must not be more than 125% of the Federal Poverty Guidelines.

Common Legal Words Used

Petitioner – You. The petitioner is the person asking for something from the Court

Respondent – The person you are asking the Court to protect you from. The respondent is the person who has to answer or respond to the petitioner in front of the Judge.

Petition – The petition is the official paper you file with Family Court that tells them what you are asking for.

What is an Order of Protection?

An Order of Protection is a court order providing protection to you or to minor children in the household (age 18 or younger living in the home) from an abusive current or former spouse, someone you have a child in common with, or a current or previous live-in partner. Orders of Protection are issued by the civil Family Court, not by criminal courts.

If the person who caused the abuse does not fit into one of those categories, you may need to file for a Restraining Order in magistrate's court instead.

Who can get an Order of Protection?

You can file for an Order of Protection if you or any minor child (ren) (under the age of 18) in the household has been a victim of abuse. "Abuse" could be physical harm, bodily injury, assault **or the threat of physical harm**, or a sexual criminal offense committed by a family or household member. If an 18 year old child living in the household has been abused, they should file as the victim.

What if there is a danger for me or a child right now?

If you or the child are in immediate danger, request an emergency hearing so that you may go before a judge within 24 hours of filing the form. If the judge believes that you are in immediate danger of injury or harm, the judge may grant a temporary Order of Protection that will last until the full hearing, which should take place about 15 days later.

A permanent Order of Protection is any Order granted at the full hearing, and it will replace the temporary Order. *If you do not go to the hearing, your temporary Order will expire* and you will be left without any protective Order.

What can an Order of Protection do?

A temporary Order of Protection can order the abuser to stop threatening or abusing you, stop attempted or actual communication with you (including through social media), and order the abusive person to stay away from places such as school(s), work, or children's daycare facilities named in the Order.

A final Order of Protection is granted at the full hearing. It will last for six months or one year. This order can do many things, including:

1. Restrain the abuser from abusing you, threatening to abuse you or bothering you in any way.
2. Restrain the abuser from contacting you or communicating with you, coming to your home, work, school or other place that the judge writes in the order.
3. Grant you custody of any child (ren) you have with the abuser.
4. Grant visitation with the child (ren): the Order can either give reasonable visitation or deny visitation.
5. Require the abuser to pay child support for any child (ren) you have together.
6. Require the abuse to pay spousal support or alimony if you are married to the abuser.
7. Grant you possession of the home you live or lived in.
8. Restrain the abuser or both of you from transferring or destroying any property that might belong to the other person or that may be marital property.
9. Prohibit abuser from harming or harassing any pet owned by you, anyone designated in the order, or a pet kept by the abuser if you have interest in the well-being of the pet.

10. Allow you or the other person to get their personal property and restrict either or both people from destroying personal property. The order can also give you (or the other person) the opportunity to have police assistance in getting personal property back.
11. Award attorney fees to either person if they had to use an attorney in the Order of Protection case.
12. Grant you any other relief that you have asked for in your petition. For example, give you possession of a specific car, a pet, or any other specific requests you have that aren't included in the list above.

The judge can give you all, some, or none of what you ask for at the hearing.

When should I file for an Order of Protection?

File for Protection as soon as possible after the abuse (or threat of physical harm) happens. Filing quickly lets the Court and the judge know that you take the matter seriously and fear further abuse. Some judges may consider a long delay between the incident and filing to be evidence that you do not need protection.

The sooner you file the Petition, the sooner you can get before a judge to ask for the Order of Protection.

Where do I file the Petition?

You can file the Petition with the Clerk of Family Court:

- a. in the South Carolina county where the abuse happened; OR
- b. in the South Carolina county where the abuser lives; OR
- c. in the South Carolina county where you and the abuser last lived together.

Family Clerks of Court by County

County	Judicial Circuit	Physical Address	Phone Number
Abbeville	8th	102 Court Sq., Abbeville, SC 29620	864-366-5312
Aiken	2nd	109 Park Ave., SE, Aiken, SC 29801	803-642-1715
Allendale	14 th	292 Barnwell Hwy. Allendale, SC 29810	803-584-2737
Anderson	10 th	100 S. Main St., Anderson, SC 29624	864-260-4053
Bamberg	2nd	2959 Main Hwy., Bamberg, SC 29003	803-245-3025
Barnwell	2nd	141 Main St., Barnwell, SC 29812	803-541-1020
Beaufort	14 th	102 Ribaut Rd., Beaufort, SC 29902	843-255-5050
Berkeley	9th	300 California Ave., Moncks Corner, SC 29461	843-719-4406
Calhoun	1st	902 South F. R Duff Dr., St. Matthews, SC 29135	803-874-3524
Charleston	9th	100 Broad St., #106, Charleston, SC 29401	843-958-5000
Cherokee	7th	125 E. Floyd Baker Blvd., Gaffney, SC 29340	864-487-2571
Chester	6th	140 Main St., Chester, SC 29706	803-385-2605

Chesterfield	4th	200 W. Main St., Chesterfield, SC 29709	843-623-2574
Clarendon	3rd	3 W. Keitt St., Manning, SC 29102	803-435-5120
Colleton	14 th	101 Hampton St., Walterboro, SC 29488	843-549-5791
Darlington	4th	One Public Square, Darlington, SC 29532	843-398-4330
Dillon	4th	301 W. Main St., Dillon, SC 29536	843-774-1425
Dorchester	1st	5200 E. Jim Bilton Blvd., St. George, SC 29477	843-563-0120
Edgefield	11 th	129 Courthouse Square, Edgefield, SC 29824	803-637-4080
Fairfield	6th	101 S. Congress St., Winnsboro, SC 29180	803-712-6526
Florence	12 th	180 N. Irby St., MSC-E, Florence, SC 29501	843-665-3031
Georgetown	15 th	401 Cleland St., Georgetown, SC 29442	843-545-3036
Greenville	13 th	305 E. North St., Ste. 232, Greenville, SC 29601	864-467-8551
Greenwood	8th	528 Monument Street, Greenwood, SC 29646	864-942-8546
Hampton	14 th	1 Elm St., Courthouse Square, Hampton, SC 29924	803-914-2250
Horry	15 th	1301 Second Ave., Conway, SC 29526	843-915-5080
Jasper	14 th	265 Russell St., Ridgeland, SC 29936	843-726-7710
Kershaw	5th	1121 Broad St., Camden, SC 29020	803-425-7223
Lancaster	6th	104 N. Main St., Lancaster, SC 29720	803-285-1581
Laurens	8th	100 Hillcrest Square, Laurens, SC 29360	864-984-3538
Lee	3rd	123 S. Main St., Bishopville, SC 29010	803-484-5341
Lexington	11 th	205 E. Main St., Lexington, SC 29072	803-785-8212
Marion	12 th	103 N. Main St., Marion, SC 29571	843-423-8240
Marlboro	4th	105 Main St., Bennettsville, SC 29512	843-479-5613
McCormick	11 th	133 S. Mine St., McCormick, SC 29835	864-852-2195
Newberry	8th	1226 College St., Newberry SC 29108	803-321-2110
Oconee	10 th	205 W. Main St., Walhalla, SC 29691	864-638-4280
Orangeburg	1st	151 Docket St., Orangeburg, SC 29115	803-533-6243
Pickens	13 th	214 E. Main St., Pickens, SC 29671	864-898-5867
Richland	5th	1701 Main St., Columbia, SC 29201	803-576-1929
Saluda	11 th	100 E. Church St., Saluda, SC 29138	864-445-4500
Spartanburg	7th	180 Magnolia St., Spartanburg, SC 29306	864-596-2591

Sumter	3rd	141 N. Main St., Sumter, SC 29150	803-436-2237
Union	16 th	210 W. Main St., Union, SC 29379	864-429-1630
Williamsburg	3rd	125 W. Main St., Kingstree, SC 29556	843-355-9321
York	16 th	1070 Heckle Blvd., Rock Hill, SC 29732	803-909-7100

What do I file?

You will file:

1. The [Petition for Order of Protection](#).
This is the most important form. It is where you will petition the Court for protection, and also ask for the specific things from the “What Can an Order of Protection Do?” list above. **There is no filing fee for a Petition for Order of Protection.**
2. The [Notice of Hearing](#), and
This tells the Respondent of the date, time, and place of the hearing. It is usually filled out by the Clerk of Court.
3. The [Case Party Information Sheet](#).
This gives the Court and law enforcement information about the abuser, including physical description of their appearance, what sort of car they drive, and place of employment.
4. The [Financial Declaration](#) or [Short Form Financial Declaration](#) (either, not both),
Only filed if you are asking for child support or alimony, this tells the Court how much money you make every month and how much money you spend on yourself and any shared children.

If the links above do not take you to a printable version of the correct papers, you can get any of these forms from any South Carolina Clerk of Court, or find them at <https://www.sccourts.org/forms>

How do I fill out the Petition?

Everything in the Petition should be printed or typed to make sure it can be easily read. The top part of the form (called the caption) is the part to the upper left of the form(s). First, fill in the name of the county where you are filing the Petition.

Remember, you are the Petitioner. Write your full legal name, including middle name, on the line above “Petitioner”. The person who you are seeking protection from is the Respondent.

On the line above “Respondent”, write their full legal name, including middle, if you know it. If you only know first and last, use that. Right below the name, there are four lines asking for their social security number (SSN), Date of Birth, Race, and Sex. Fill these in with the Respondent’s information (**not yours**). If you do not know the social security number, you can leave it blank.

To the upper right of the line of form(s), you will write the Circuit number. This number is available for each county in the Clerk of Court address list above, or you can ask the Clerk of Court.

Do not write anything in the “Docket No.” line. The Clerk of Court will fill in a docket number when you file. This is the number they use to track your case in the court system, and it will go on any future filings related to your case.

On areas 1 through 7, you will check boxes and fill in blanks.

1. Jurisdiction – This tells the judge why the case should be heard in this county, and why the judge has the authority to decide the case. **Only check one box**, even if more than one of them apply. When someone has been abused, judges like to act to protect them, so one reason is enough.
2. Address of the Respondent – Write the street address where the Respondent lives now in the first blank, followed by the city where the Respondent lives now in the second blank, followed by the county where the Respondent lives now in the third blank, and finally the state where the Respondent now lives in the last blank.
3. Tell the court who was abused – Check the box and write your name in A if you are the person who has been abused. **If it** was your child, check B and write their name. You can also fill in both if you and your minor child (ren) have been abused.
4. Relationship of abuser and victim – Check the appropriate box that describes how you or the victim are related to the abuser.
5. Describe what happened – This section is very important. You may want to practice what you are writing on a separate sheet of paper before you write it on the form. Give the specific time, date and place where the most recent abuse happened. If it happened over a period of hours, write when it started. You also need to include details of what happened. If you were physically hurt, you need to include this. You need to only write down what the "abuse" is (see definition of "abuse" under "Who Can Get an Order of Protection?"). If the abuser was arrested for Criminal Domestic Violence (CDV) and you wrote a "victim witness statement," you may want to look back at that to refresh your memory of what happened.
6. Prior convictions of domestic violence or Orders of Protection – Check yes and include the dates **if** the abuser has any convictions or has had other Orders of Protection against them (even if it was not from you). If you do not know, you can search South Carolina history at www.judicial.state.sc.us -> Records Search. Many other states have similar records available online. A victim advocate can also help you look for this information.
7. Temporary Relief – This is where you Petition (ask) the Court for whatever sort of relief you would like. You should generally check (A), (B), and (C), and any of the others after that you think you need.

a, b, and c are the actual restraining orders. These (a) restrain them from abusing, threatening to abuse, or molesting you, (b) restrain them from using physical force against you, and (c) restrain them from communicating with you, trying to communicate with you, or coming to your home, work, school, or any other place the Court orders.

(d) Check this to ask for temporary of the child (ren) the two of you have together.
Give the full name, date of birth, and the address where each child is living at.

(e) Check this if you want money for child support. **IF YOU CHECK THIS, YOU**

HAVE TO FILL OUT A FINANCIAL DECLARATION.

(f) Check this if you want money for spousal support. **IF YOU CHECK THIS, YOU HAVE TO FILL OUT A FINANCIAL DECLARATION.**

(g) Check this if you want the Court to allow you to stay in the home. You should think about two things before you check this –

Will you be safe in the home? The abuser will know where you live. Some people decide they would rather move somewhere else than stay in the home.

Can you make the payments yourself if the Court does not grant you the financial support you request? It is possible the Court could award less financial support or no financial support. You would still be responsible for the full mortgage or rent payment.

(h) Check this if you want the Court to restrain the abuser from selling, destroying, or living away any personal items that belong to you or that the two of you share.

(i) Check this and fill in the address if you want the police to go with you when you get your things back.

(j) Check this if you want the Respondent to pay you back for your attorney’s fees for the Order.

(k) Check this if you want a standard court date for your hearing within 15 days.

(l) Check this if you want an emergency hearing within 24 hours. You should only check this if you fear immediate further abuse and cannot find anywhere safe away from the abuser. If the abuser is not served within 24 hours, you might have to keep returning to the Court every day until the Respondent is found and served.

(m) This is where you can write in any other request. A common thing requested here is custody of/or protection for pets.

Make sure that you have signed and dated this form and all other forms before you file. The Petition requires your signature as well as the signature of a Notary Public. Do not file with the Court until the Petition is properly signed and notarized. Wait to sign it in front of them and the Clerk of Court can notarize it for you.

What about the other forms?

On the **Case Party Information Sheet**, fill out the county and judicial circuit at the top just like the Petition. Write your name just as it appeared on the other form(s) on the “Petitioner” line. On the “Respondent” line, write the Respondent’s name just as it appeared on the other form(s).

Answer as much as you can on this form with the Respondent’s information, **NOT YOURS**. This information will be shared with local law enforcement. They need it to find the other person so that the sheriff can serve notice of the court date.

For the **Notice of Hearing**, fill out only the party names and county name at the top. The rest will usually be filled out by the Clerk of Court when a hearing time and date is set.

If you need a **Financial Declaration**, fill out the information about your monthly income and bills to the best of your knowledge. It is ok to estimate, but the estimates need to be as accurate as possible. This will be filed with the court, and the judge will not take it lightly if either debts or income is intentionally off by a wide amount. Attach recent paystubs, if available. **This form also needs to be signed and notarized.**

*****ASK THE CLERK OF COURT FOR A COPY OF EVERYTHING YOU FILE*****

What happens after I file?

The Respondent will be served by a sheriff's deputy with a copy of everything you file. The Petition shows the Respondent what you have said about the abuse, and what you are asking for. The Notice of Hearing tells the Respondent when to be in Court for the Hearing, and the service gives the Court evidence that the Respondent knows about the hearing. If you filed a Financial Declaration, the Respondent will be able to review that as well.

Immediately after filing for an Order of Protection can often be a dangerous time in domestic violence situations. Be sure you have somewhere safe to stay after filing, and that someone you know and trust can check in with you.

What should I bring to the hearing?

Witnesses – Anyone who saw the abuse firsthand or who saw your injuries after the abuse. Ask them to ride with you to court so that you can make sure they show up on time.

Photographs – Bring printed photos of any injuries you suffered or damage to property. **Photos on a cell phone will not work.** Photos can be printed from your phone at any local Wal-Mart photo center. Bring at least two copies of each photo to court.

Medical Reports – Bring complete copies of the medical reports. The full reports will include doctor's notes missing from your discharge instructions, and the notes will often include impressions of physical abuse.

Threatening text messages – Take screen shots of the messages and print those photos at a nearby printing center. Bring two copies.

Threatening voicemails – Record any threatening voicemails onto a separate tape or CD and bring a player that can play that CD or tape to the court. Keep the original voicemails on your phone, and keep at least one recorded copy of the voicemails in a safe place or with family members.

Police photographs – If the police were called and took photos of the injuries, you should go to the police station to request copies of those photographs.

Police Reports – Request copies of the incident report from the police station and bring those with you to court.

How do I get ready for the hearing?

Practice your answers to the judge. The judge will ask very direct questions. Be prepared to explain when the abuse happened and what happened. Tell the judge that you asking for an Order of Protection because of the abuse. Only give brief details about what happened before the abuse, and talk mainly about the abuse itself.

If you have asked for the Court to deny visitation, expect the judge to ask why. The court will only deny visitation if the abuse occurred in front of the child (ren) or if the child (ren) **is/are** at risk of harm. Remember that the Respondent will be questioned as well, so the more witnesses you have that will support your story, the better it will be for you.

It is ok to write down what you want to say and bring it with you. People sometimes get nervous when they are questioned by a judge. You do not want to read directly from the notes, but you can always glance down at them to jog your memory.

There is a dress code for the court. While judges are generally more lenient in Family Court, especially in situations where one party did not have access to most of their clothing, it is still generally a good idea to try to dress appropriately. If you attend a house of worship, try to dress like the typical person attending a service. If this analogy does not help you, dress like the typical person attending the informal family receiving and viewing after the death of an acquaintance, or as if you are going to a professional job interview.

Children will not be allowed inside the courtroom. You will have to arrange childcare away from the courtroom.

Chewing gum, candy, food, or drinks are not allowed inside the courtroom.

Telephones and other electronic devices may be confiscated if they interfere with or disrupt the court. Some courts will not allow you to bring the phone inside at all, while others will ask you to turn the phone off before entering the courtroom. Whatever the local rule is, go along with it.

You should bring photo ID with you. Weapons, video, and audio recorders are not allowed inside the courtroom.

What should I do on the day of the hearing?

Arrive early. You should be there at least 30 minutes before the time the hearing is scheduled to start. If you are late, the case may be dismissed.

You should have already arranged for a responsible adult to watch your child (ren) during the hearing. The Respondent or judge may ask you who is keeping the child (ren). If you are still married to the Respondent, do not leave the child (ren) with anyone the Respondent could claim to be or portray to be a romantic partner.

When you get to the courthouse, check in with a bailiff or deputy to let them know you are there. Tell the bailiff if you are worried about your safety.

If you do not want to be near the Respondent, you can ask to be allowed to wait in a conference room. **Make sure the bailiff knows where you are so that you do not miss your case being called.**

If you need to bring in a CD player or tape recorder for evidence or show evidence stored on your phone, tell the security officer outside the courtroom.

What should I do if...

The Respondent has an attorney?

You can ask the court for a continuance so that you can have an opportunity to find an attorney, and you probably should.

My witness does not come to the hearing?

You can ask the court for a continuance so that you can have your witness there, and you probably should.

The judge asks if you and the Respondent will agree to an Order of Protection “without a finding” of abuse?

As Petitioner, you have the right to say no or yes to this question.

A court “finding” is an official determination by the court that the judge believes the abuse happened, and it is written into the order. The judge may write: ‘The Court finds that the Respondent pulled the Petitioner out of bed by her hair and sent text messages threatening to kill the Petitioner.’

If you want these findings in the Order, you will need to say “no” to the Order of Protection without a finding of abuse. The hearing will go forward, and the judge will decide based on the facts presented by both sides in the hearing whether or not to grant an Order of Protection.

You may decide that you want findings of abuse in the Order so that you can use the Order in further criminal actions or family court matters (divorce, child custody, or visitation hearings).

If you simply want the Order of Protection and do not care about the findings, the Respondent may agree to avoid going forward with testimony about abuse. The Order would have all of the same legally enforceable limits on the Respondent.

The judge asks if I would agree to a “mutual restraining order”.

As Petitioner, you have the right to say no or yes to this question.

If you agree to a mutual restraining order, the order will prevent *you and the abuser from abusing, threatening, or communicating with the other* person. You should think carefully before agreeing to this.

A mutual restraining order means that you could be held in violation for contacting the Respondent in any way. It may also limit your right to purchase or own a gun for self-defense.

A judge may sometimes issue a mutual restraining order even if you do not agree. If both sides testify that they were assaulted or both have injuries or were arrested for abuse, the judge may not be able to tell who the main abuser is. In situations like this, the judge may issue a mutual restraining order to both parties.

If the judge wants to issue a mutual restraining order, you can tell the judge that you wish to withdraw your Petition for Order of Protection. This will leave both you and the Respondent without a Protective Order.

What will happen during the hearing?

The judge will first ask you if you are ready. When the judge asks this, stand up if you are able and say,

“May it please the Court, my name is _____, and I am ready to proceed.”

The judge will ask you and the Respondent questions about the abuse. Answer the judge’s questions directly and politely. Refer to the judge as “Your Honor”.

Make sure you describe the incident(s) that made you file for the Order of Protection. The judge needs to hear your story of the abuse. Tell the judge about any witnesses or evidence you brought to the courtroom. The judge will ask to see the evidence and will also likely question the witnesses.

The Respondent will also get a chance to speak. It is not unusual for Respondents to exaggerate or say things that you do not believe are true, but **do not interrupt or get angry while the Respondent is speaking**. You want to show the judge that you are the calm adult. If the Respondent says something that you would like to question, politely ask the Court if you may “cross-examine” the Respondent. Cross-examination is just like you have probably seen on television or courtroom movies – you get the opportunity to ask questions directly to the Respondent.

After both sides have been presented, the judge will make a decision and announce it to both of you in the courtroom. If the judge forgets one part of the things you asked about, you can politely ask the judge about this.

For example, if you petitioned the court for possession of a pet and the judge forgets to mention it, you can politely say, “Your Honor, what about my dog, Howard?”

The Court granted my Order. Now what?

Wait outside the courtroom until a bailiff or other court official comes out **of the courtroom with the Order** signed by the judge. You will need to go to the clerk to get your copy. Keep a copy with you at all times and provide copies to those who should have one, like employers, neighbors, or children’s daycare or schools.

Remember, many of these people are likely used to seeing the Respondent around. They will not know that he or she is no longer supposed to be there unless you tell them. Additionally, until you provide them a signed copy of the court Order, a school or daycare will not and generally cannot deny a parent access to their child.

Your Order is automatically good anywhere in the State of South Carolina. If you move out of state, register your Order of Protection with the Clerk of Court in your new state. Whether your move is in or out of state, give copies of the Order of Protection to your new employers, neighbors, and child care facilities.

Even if you are allowed by the Order to contact the Respondent, you should not contact the Respondent in any way. This could lead to further unwanted contact by the abuser, and it could also lead some officials to be hesitant to enforce the order if you have encouraged or allowed ongoing contact.

If the Respondent serves you with court papers after the hearing for divorce, custody, or any reason, you will only have 30 days to respond. You should speak with an attorney immediately after receiving the service to ensure that you fully protect your rights.

The Court did not grant my order. Now what?

If your Order is denied, and there is not another order already in place from another matter (such as a “no contact” order from a criminal case) there will not be any restraint to prevent the abuser from contacting you. You may need to get help from a friend, family member, or community shelter to make sure you are safe. If the abuser continues to threaten, harass, or scare you, you should call the police.

If you believe the court was wrong in denying your order, you can file a “Motion for Reconsideration” within 10 days of the date of your hearing. This means that you think the Court made a mistake, and **you will probably need a lawyer to help you with this**. There are no forms for this sort of motion, which is another reason you should seek the help of a professional attorney.

You can also file a new Petition for Order of Protection. This is usually the way to go if you did something wrong. Maybe your witness (es) did not show up or you forgot some important evidence. Filing a new Order means that you think you made a mistake in presenting your case. Although an experienced lawyer could help, you might feel comfortable trying this without the help of an attorney.

I don’t think I need the Order of Protection any more. What do I do?

Before the hearing, you can withdraw or dismiss your Petition for Order of Protection at any time, even the morning of your court date. All you have to do is tell the Clerk of Court that you want to withdraw your Order.

After the hearing, if you want to dismiss your Order before it runs out, you will need to file a “Motion to Dismiss” the Order of Protection. The Court will schedule a new hearing where you will have to explain to a judge that you want to dismiss the Order. You also might have to answer questions from the judge to explain why.

The Respondent violated the Order. What do I do?

You should report any criminal violations of the Order to the police. Criminal violations are things like threatening you, calling you despite a no contact rule, or further abuse. The police can arrest the Respondent for the violation and take the case to criminal court, where the Respondent could be sentenced to 30 days in jail.

You can also ask the family court to find the Respondent “in contempt” for violating the Order by filing a “[Rule to Show Cause](#)” with the Clerk of Court. At this hearing, you would testify about how the Respondent did not follow the rules of the Order of Protection. If the Court agrees that there was a violation in contempt of court, the judge will give punishment that could be anything from a warning to community service to up to a year in jail.

Family Court will usually handle civil violations of the Order like failure to pay child support or failure to pay a share of bills as ordered by the Court.

Can I extend the Order?

Orders of Protection are granted for 6 months up to a year. If you feel like you still need protection at the end of that time, you can file a “[Motion to Extend an Order of Protection](#)”. The court can extend your Order of Protection

for good cause. If the Respondent has violated the Order or has acted in some other threatening way, most judges will consider that to be good cause.

If the **above** link does not work, the Clerk of Court will have the paperwork to extend the Order.

If the Order expires and you do not have another family court case with a restraining order (like a divorce case or custody agreement), then everything in the Order of Protection will go away, including custody and child support.