

# **Ex Parte (Temporary Restraining) Order Information**

## **Requirements**

### **Age:**

Both you and the person you are filing against must be 18 years of age or otherwise emancipated.

### **Relationship:**

One of the following must pertain to you:

- you and the respondent are spouses,
- you and the respondent were spouses,
- you and the respondent are or were residing together,
- you and the respondent are related by blood,
- you and the respondent have a child in common,
- you and the respondent are related by marriage,
- you and the respondent were related by marriage,
- you and the respondent have no relationship other than the respondent has stalked you or,
- you and the respondent are or were in continuing romantic relationship.

### **What is Abuse?**

- Respondent has caused physical harm to you,
- respondent has attempted to cause physical harm to you,
- respondent has placed you in apprehension of immediate physical harm,
- respondent has harassed you,
- respondent has sexually assaulted you (respondent caused or attempted to engage you involuntarily in any sexual act by force, threat or duress),
- respondent has unlawfully imprisoned you (respondent held, confined, detained or abducted you against your will),
- respondent has coerced you (respondent compelled you by force or threat of force to engage in conduct to which you have the right to abstain from or the right to engage in),
- Respondent has stalked you (respondent purposely and repeatedly harasses or follows you with the intent of harassing you.)

### **Where do you file an adult abuse petition?**

- In the county where you live.

### **Procedures for filing an adult abuse action**

**Petition:**

You are the petitioner in this action and the person you are filing against is the respondent. Remember when you are filling out the petition you must explain the acts of abuse in detail as your statements are what the judge will base his decision on as to whether or not an order is issued.

**Costs:**

You are not required to post a filing fee for an adult abuse action. You are required to fill out a financial statement which the judge will review and base his decision, at the time of the hearing, on who (petitioner or respondent) will be assessed the cost of the action.

**Service:**

The respondent must be served with a copy of the petition and Ex-Parte Order of Protection at least three days before the hearing date. You will be provided with a form to fill out that gives the Sheriff's Department instructions on where to locate the respondent. Make sure you give accurate information such as address, place of employment, type of automobile, places respondent frequents and any other information that may be helpful in order to obtain service.

**Hearing:**

You will be given a court date when you are issued the Ex-Parte Order of Protection. You must appear at the hearing. If the respondent has not been served by the court date, you will need to appear and at this time you may ask the judge to schedule another hearing date. Also ask that the order remain in effect until the next court date.

You will be representing yourself (unless you have an attorney to represent you.) At the hearing, be prepared to give your version of the incident of the abuse to the judge. If you have any witnesses, pictures of the abuse or any other evidence you feel would be helpful in presenting your case to the judge, you may bring them to your hearing.

At the time of hearing, you are entitled to ask for any of the following and the judge will make a decision as to what orders you are granted:

- Restraining the respondent from abusing, threatening to abuse, molesting or disturbing the peace for petitioner wherever petitioner may be found,
- restraining the respondent from stalking the petitioner,
- restraining the respondent from entering the dwelling of the petitioner (wherever s(he) may be),
- Restraining the respondent from communicating with the petitioner in any manner or medium (respondent will not be able to have any third party contacts. He cannot have someone else contact or harass you),
- grant the custody of the child or children to the petitioner/respondent,
- order visitation with the minor child or children to the petitioner/respondent,

- order petitioner/respondent to pay child support,
- order petitioner/respondent to pay maintenance,
- order the respondent to make or continue to make the rent or mortgage payments,
- order the respondent to pay petitioner's rent at residence, other than the residence previously shared with the respondent,
- order respondent from encumbering, or otherwise disposing of property mutually owned or leased with the petitioner,
- order respondent to participate in court approved counseling program designed to help batterers stop violent behavior,
- order respondent to pay fees for housing and other services provided by the petitioner,
- order respondent to pay the cost of any medical treatment or service provided by petitioner as a result of injuries sustained by an act of domestic violence committed by respondent,
- order respondent to pay petitioner's attorney fees and/or
- order respondent to pay court cost.

### **Remember:**

In order to obtain any of the above, **you** must ask for them in your petition and the judge will decide if you are entitled to any or all of your requests.

If you are granted Ex-Parte or Full Order of Protection, you will be given two copies of the order. Keep them safe at all times. If the respondent stalks, threatens to abuse, abuses, molests or disturbs the peace of you, call the police at once. When police arrive, if the respondent has not been served with the order give your extra copy to the police and they will serve him with a copy.

The Ex-Parte remains in effect until the hearing date. The Full Order of Protection, if granted by the judge at the time of the hearing, can remain in effect for one year and upon written request, can be renewed for an additional one year.

Your request for an additional one year must be made before the Full Order of Protection expires. You will need to come to the Circuit Clerk's Office and make your request in writing.

### **Termination of Order:**

If you desire to terminate the Order of Protection, before the court date or the expiration date, you must come to the Circuit Clerk's Office and fill out a termination form.

### **Clerk Duties:**

The Clerk will help you fill out the necessary forms. Please listen to the Clerk when she is explaining the forms and if you do not understand something ask her to explain it.

### **Court House Hours:**

The court house is open Monday - Friday 8 a.m. to 5 p.m., closed on weekends and holidays. You will need to arrive at least one hour before the court house closes. This is so you will have time to fill out your paperwork and see a judge.

**After Hours Ex-Parte:**

If the court house is closed due to it being after 5 p.m., weekend or holiday, you can contact your local law enforcement agency and they can help you on filing for an Ex-Parte.