

RESTRAINING ORDERS

Types of Restraining Orders

FAMILY VIOLENCE

STALKING

BOND CONDITIONS

GOOD BEHAVIOR

There are various types of orders that may be issued by the Superior and Magistrate Courts to protect victims of abuse and harassment. Below is a brief description of the different options available to you.

SUPERIOR COURT ORDERS

Family Violence Protective Order - In order to be eligible for this option,

- you must have a specific relationship with the respondent (your abuser), such as a family member or a person you have lived with at some point and time.
- the abuser must also live in this county or if the abuse lives in another State, the act of family violence must have occurred in this County.
- it must be proven that the respondent has committed acts of family violence (hitting, kicking, pushing, slapping, rape, stalking, criminal damage to your property, restraint against your will, criminal trespass, unwanted touching, forcing you to take part in sexual acts against your will, threats of violence, or any other felony) against you or your children and you need protection from the abuser, along with the specific things you ask for in your petition.

The Superior Court Judge has the ability to require the respondent to:

- leave you or your minor child alone,
- give you possession of the house and force the abuser to leave,
- give you temporary custody of your children and award you temporary support payments from the abuser,
- order the abuser to go to counseling.
- other remedies the court deems necessary.

A temporary order may be issued by the judge until a hearing can be held within 14 days, but no later than 30 days, to determine whether the order should be made for an extended period of time.

Fee: no charge

Stalking Protective Order - In order to be eligible for this option,

- you must be able to show that the respondent (person stalking you) has committed acts of stalking, defined as when someone follows, places under surveillance, or contacts you for the purpose of harassing and intimidating you, which places you in reasonable fear for your safety or the safety of your family.
- It is a requirement that the abuser live in this county or that you live in this county and the stalking occurred in this county.

The Superior Court Judge has the ability to require the person stalking you to stay away from you, stop harassing you, and require counseling.

A temporary order may be issued by the judge until a hearing can be held within 14 days, but no later than 30 days, to determine whether the order should be made for an extended period of time.

Fee: no charge

MAGISTRATE COURT ORDERS

Criminal Bond Conditions - if you feel a crime has been committed against you, you may apply for a warrant in the Magistrate Court. The judge will determine if the warrant should be issued immediately or a hearing scheduled for a later date. If and when a warrant issues, the defendant would be arrested, and when bond is granted, appropriate related conditions may be placed on that bond.

These bond conditions could include, but not be limited to the following:

- no contact with you directly or indirectly; and
- complete an evaluation and counseling,

Bond conditions are in effect until the defendant is sentenced in the trial court.

Warrant Application Fee: \$10.00, but may be waived by the judge.

Bond for Good Behavior - this option requires,

- a person placing you in fear of receiving bodily or property injury
- both the applicant and accused be a resident of White County

The judge may issue a Good Behavior Warrant immediately and have a hearing within 72 hours of the defendant's arrest to see whether a bond should be issued, or the judge may choose not to issue a warrant and have a hearing prior to issuing a bond.

The abuser (or defendant) would be ordered to post bond with special conditions which may order the abuser to have no contact with the victim and stay away from the victim's property.

This type of restraining order is good for a period of 6 months and may be renewed, upon motion of the parties or by the court's own volition. This process is not recommended for domestic situations where child custody, support, and/or division of property need to be addressed by the court.

Fee: \$12.00, but may be waived by the judge.

Superior Court:

Clerk of Superior Court Office
Telephone #: (706) 865-2613

Chief Judge David Barrett's Office
Telephone #: (706) 439-6100

Judge Lynn Alderman's Office
Telephone #: (706) 865-6135

Magistrate Court:

Chief Judge Joy R. Parks
Judge Corey Hyde
Telephone #: (706) 865-6636

Judge Garrison Baker
Telephone #: (706) 865-4141