

Legal Help



Violence often starts or increases when you break up with an abusive partner. The justice system can help protect you. If you're in immediate danger, call the police. Also, try to keep any evidence of the abuse you're experiencing.

Criminal vs. Civil Justice System

The criminal and civil justice systems provide different options for legal protection. In the criminal system, your abusive partner may be charged with a crime. Once charges are filed, the prosecutor alone makes the decisions about your case, including whether or not your case will go forward or be dismissed. You will be subpoenaed, which means you'll be required to appear and testify in court. If convicted, the abuser may be jailed or placed on probation.

In the civil justice system, you can obtain a protection order. In this system, you make all the decisions regarding your case instead of the prosecutor. Also, your abusive partner does not face criminal charges unless he or she violates your protection order. A protection or restraining order is a FREE court order that a judge can issue to protect you from an abusive dating partner. This document can order your current or ex-partner to:

- Not contact you in any way, even through a third person or technology.
- Stay away from you and locations where you are.
- Stay away from the family and friends you name in the order.
- Stay away from you at school, work and anywhere else you go often.
- Move out of your shared home.
- Attend alcohol treatment, drug treatment or counseling.
- Pay your legal costs or for other harm you suffered.
- Give you temporary custody of your children.

How Do I Get a Restraining Order?

In general, you start at your local courthouse by filing a petition or request for a temporary protection order. The court clerk usually provides forms for you to fill out, asking for your name and contact information in addition to your abusive partner's name. Be sure to provide as much contact information for your abusive partner as you can.

Usually, the form will also ask for a detailed description of the abuse. You may need to provide evidence so make sure to bring pictures of injuries and copies of threatening emails, text messages, voicemails and Facebook posts.

After you complete the necessary forms, a judge will determine if you qualify for a protection order, often at a later date when they can lead a formal hearing. In the meantime, if the judge thinks you're in immediate danger, he or she will issue a "temporary order of restraint," which lasts only a short period of time -- often just until your hearing date. At your hearing, your abusive partner will be invited to attend and both of you will have the opportunity to present your case. If the judge sides with you, you'll get more permanent protection in the form of a restraining order.

There are big differences between states when it comes to what protection is available. If you're thinking about getting a restraining order, visit loveisrespect.org to find out what specific requirements apply to your state.

For more information, visit www.loveisrespect.org

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Please contact loveisrespect for more information.

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chat at loveisrespect.org

SMS text "loveis" to 22522

call 1-866-331-9474

Discuss your options confidentially.
Peer advocates are available 24/7.