

## **BRIEF OVERVIEW OF TEMPORARY PROTECTIVE ORDERS**

### **TPO**

#### **❖ What is a Family Violence Temporary Protective Order (TPO)?**

It is a legal document, granted by the Court, to help victims and their children obtain protection from persons abusing, threatening or putting them in fear for their safety.

#### **❖ What Acts Constitute Family Violence?**

Any act that involves violence, force, threat, restraint, bodily injury or places a person in reasonable fear of bodily injury.

#### **❖ Who is eligible to apply for a Family Violence TPO?**

- Past or present spouses
- Persons who are parents of the same child(ren)
- Parent or child
- Step-parent or step-child
- Foster parent or foster child
- Person living or formerly living, in the same household

#### **❖ What can a Family Violence TPO DO?**

It can order the perpetrator to leave the residence, give you sole use of the residence, grant temporary custody of the child(ren), order child support, give you temporary sole use of a vehicle and prohibit cancellation of marital accounts and utilities.

#### **❖ What is a Temporary Stalking Order**

It is a legal document, granted by the Court, to help victims obtain protection from person stalking them.

#### **❖ What Acts Constitute Stalking?**

Any pattern of harassing or intimidating behavior, for no legitimate purpose, which puts a person in fear for their safety. Anyone can apply for a Temporary Stalking Order, even if the relationship with the perpetrator does not fall into one of the above categories.

#### **❖ What can a Stalking Order do?**

It can order the perpetrator to stay a certain distance away from the petitioner as well as the residence and place of employment. In addition, it would include no direct or indirect contact by any means.

❖ **What is a Dating Violence TPO?**

It is a legal document, granted by the Court to help victims obtain protection from a person they were in a committed dating relationship with that was abusive, threatening, stalking, or putting them in fear for their safety.

❖ **What can a Dating Violence TPO do?**

It can order the perpetrator to leave the residence you share, and/or stay away from petitioner's residence and place of employment. In addition, it would include no direct or indirect contact by any means.

❖ **Where do I get a TPO or Temporary Stalking Order?**

They must be obtained in the **county in which the perpetrator lives**. If the perpetrator is not a resident of the State of Georgia, the Order may be obtained in the County where the abuse occurred within the state of Georgia.

❖ **Where can I apply for an Order in Cherokee County?**

The Cherokee Family Violence Center, English speaking call 770-479-1804 ext. 200. For Spanish speaking petitioners, 100 Hearthstone Landing Dr. Canton, GA or call 770-479-1804 ext. 111 or 112. **Please note: Magistrate Court and Superior Court Clerk's offices DO NOT assist with TPOs in CHEROKEE COUNTY.**

❖ **How do I Obtain a TPO or Stalking Order?**

- The victim completes a petition, including details about the abuse/stalking requesting a TPO be issued.
- Once the petition is completed, the victim will go before a judge. A Cherokee Family Violence Center legal advocate will assist you with these steps.
- If the judge grants the Order, the proper papers will be filed with the Clerk's office.
- A court date will be assigned within 30 days.
- The Sheriff's office will receive a copy of the Order, so the perpetrator can be served with the Order.
- The petitioner must appear before a judge at the scheduled hearing, within 30 days, to determine if the TPO should be extended for up to one year.
- The perpetrator may choose to appear at the hearing or not.

❖ **How Can Cherokee Family Violence Center (CFVC) Help Me?**

Legal advocates are available to answer question and assist you in applying for a TPO. This process can take from 2-4 hours because of this appointments are encouraged. This service is provide free of charge. To speak with a legal advocate in English please call 770-479-1804 ext. 200, in Spanish please call 770-479-1804 ext. 111 or 112. The legal advocates can refer you to similar agencies in other counties if necessary.

We will help you create a safety plan for you and your children, whether you obtain an Order or not. In addition, CFVC, We provide on-going case management services and helpful classes in recovering from an abusive relationship. If you need to enter a family violence shelter or have questions after business hours, please call our hotline at 770-479-1703.

❖ **What Documents Do I Need to Bring?**

Police reports and photos if available.

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