



HOW TO GET A 10 DAY EMERGENCY PROTECTION ORDER QUICK REFERENCE GUIDE

Protection Orders, filed under the Protection from Domestic Abuse Law (Section 93-21-7(2) of the Mississippi Code), are free of charge and are enforceable wherever the victim travels in the U.S. If you are “in fear of imminent serious bodily injury” you may be able to obtain an Emergency Domestic Abuse Protection Order (DAPO).

If the abuse occurred within the limits of a town, you should go to the Municipal Court. If the abuse occurred in the county, outside of the town limits, you should go to the Justice Court. You may also file for a DAPO in County Court. **You do not need an attorney to file for an Emergency DAPO.**

Tell the court clerk that you would like to file for an Emergency DAPO. In some courts, the clerk will ask you to fill out the paperwork and return it to them. In other courts, the clerk will fill out the paperwork for you.

If the court clerk says that the court does not hear cases for Emergency DAPOs, please refer them to Sections 93-21-11 and 93-21-13 of the Mississippi Code, giving the Justice, Municipal and County Courts jurisdiction to hear Emergency DAPO cases. The court may not deny their jurisdiction and must hear the case.

If the clerk says that they do not have the necessary document (a Petition) for you to fill out so that you may file for an Emergency DAPO, visit the Attorney General’s website to access the form and for step by step instructions at: <https://www.ago.state.ms.us/divisions/bureau-of-victim-assistance/> then click on the Interpersonal/Domestic Violence tab.

Once you have filled out the Petition, the clerk will tell you when you may see the judge. You will appear before the judge and tell them why you are seeking an Emergency DAPO. You should bring any evidence of abuse with you so that the judge can review it. It is important to note that, under Section 93-21-3(a)(ii) of the Mississippi Code, any threat of violence that places another “in fear of imminent serious bodily injury” is enough to constitute abuse for the purpose of obtaining an Emergency DAPO.

The judge will grant your emergency request if they believe there is good cause. Your abuser will not be present in court. Only you will appear before the judge for an Emergency DAPO. If the judge grants the Emergency DAPO, your abuser will be served with the Order and your Petition. Emergency DAPOs are effective for ten (10) days after which you will go to court for a full hearing where both you and your abuser will be able to tell your stories and present evidence. If your abuser is unable to be served, the judge may extend the Emergency DAPO under certain circumstances for up to twenty (20) days and then hold the full hearing.

You also have the option of going to Chancery Court to request a lengthier DAPO. The judge will decide the duration of the protection order. Both parties will be present at this hearing. There are no court filing fees or service of process fees.

Please see MCADV’s publication, *Where Do I Go From Here?* for more detailed information regarding how to obtain a Domestic Abuse Protection Order.

DOMESTIC ABUSE PROTECTION ORDERS Q & A

Who qualifies for a Domestic Abuse Protection Order (“DAPO”)?

If you are the victim of interpersonal violence and your abuser is:

- *your spouse or former spouse,
- *a person currently living as a spouse or who formerly lived as your spouse
- *a current or former dating partner,
- *a person related by blood or marriage and currently or formerly resided together,
or
- *a person with whom you have children in common.

What is an Emergency DAPO?

This type of order may be issued if you are in fear of imminent serious bodily injury.

Where do I go to get an Emergency DAPO?

If the abuse occurred in a city or town, go to the Municipal Court. If the abuse occurred in the county, go to the Justice Court. You may also file in County Court.

How long does an Emergency DAPO last?

Ten (10) calendar days or until a hearing may be held, whichever is earlier.

Do I need an attorney to get an Emergency DAPO?

Because an Emergency DAPO is issued without notice to the other side, you do not need an attorney to file a Petition for an Emergency DAPO or to present it to the judge.

What is a Temporary DAPO?

This type of order may be entered after a hearing where the abuser has been given the opportunity to be present and heard, and the judge determines that abuse has occurred. A Temporary DAPO may be issued in Municipal Court or Justice Court.

How long does a Temporary DAPO last?

Thirty (30) days for those who have children together, or up to one year if there are no children together under the age of 18.

What is a Final DAPO?

This type of order may be entered after a hearing where the abuser has been given the opportunity to be present and heard, and the judge determines that abuse occurred. You will be required to present evidence to prove your case.

What courts issue Final DAPOs?

County Courts and Chancery Courts. You will be required to present evidence to prove your case.

How long does a Final DAPO last?

For as long as the judge determines is necessary. If you are awarded custody of your children as part of the DAPO, you must file a separate custody action within 180 days. You will be required to present evidence to prove your case.