

WHAT HAPPENS AFTER AN ORDER HAS BEEN ISSUED?

A Domestic Abuse Protection Order can be honored everywhere you go - in this state or any other state. Keep copies of the Order with you at ALL times! Place copies of the Order everywhere you and those who are protected go (i.e., work, school, home, etc.). You may want to notify family, friends, neighbors and co-workers that you have a Protection Order. Do not have contact with the abuser (unless there are specific instructions in the Order which permit this).

REMINDER: Once an Order is entered by the Court, the Order remains valid until it either expires or the Court enters an Order dismissing it. You cannot give the abuser permission to violate an existing Order.

If you believe that a violation of the Order has occurred, call 911 or go to law enforcement to report the violation! Tell law enforcement that you have a Protection Order and provide them with a copy of the Order. A violation of an Order may result in the abuser being arrested and charged with a criminal offense. If you decide not to pursue criminal charges for a violation, you have the option to file a motion for contempt in the court that issued the Protection Order.

WARNING: A Domestic Abuse Protection Order does NOT provide you with 24-hour personal security. You need to make arrangements for your own safety in the event of a violation of the Order or continued abuse.

CREATE A PERSONAL SAFETY PLAN:

- Make prior arrangements for a safe place to go like a shelter, friend, or family and do not tell your abuser where you are going.
- Pack a "get away" bag and hide it. Include things such as: medication, baby items, birth certificates, valuables, marriage license, bank accounts, social security card, school records, etc.
- Keep "get away" money and spare car keys hidden.
- Memorize emergency phone numbers.
- Plan an escape route with your children.
- Review your safety plan regularly and make changes to it if you need to.

Remember: You can replace things, but you cannot replace your life! If you are in immediate danger, call 911.

HOW MUCH WILL THIS ORDER COST AND DO YOU NEED AN ATTORNEY?

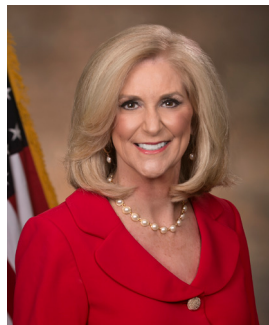
A Petition for a Domestic Abuse Protection Order can be filed at no cost to the petitioner (victim). A person seeking this kind of protection is not required to pay a filing fee, or any fees for serving process or subpoenas.

***All required forms can be found online at attorneygenerallynnfitch.com.**

WARNING: Petitions for protection are taken very seriously by the court. The Judge may assess you the court fees if he or she believes that you have requested a Protection Order for reasons other than the need for protection from abuse (i.e., to get back at someone, make trouble for someone, etc).

Any person has the right under the Mississippi Constitution to represent himself in court. Because of this, you are not required to hire an attorney in order to obtain protection from domestic abuse. However, please be aware that neither the court clerks nor the Judge will be able to give you legal advice or to assist you in deciding the best course of action. If you feel that you need to talk with an attorney, or that you need assistance in completing the forms, please contact your local domestic violence program or legal clinic. The court clerk will have contact information for those types of services.

If you have any questions about domestic abuse or how a victim of domestic abuse can get assistance, please call the Mississippi Coalition Against Domestic Violence at 1-800-898-3234 or your local shelter program.



DOMESTIC ABUSE PROTECTION ORDERS

Find out if one is right for you

Office of the Attorney General
Bureau of Victim Assistance
P.O. Box 220 Jackson, MS 39205
601.359.6766 | 800.829.6766
attorneygenerallynnfitch.com

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WHAT IS A DOMESTIC ABUSE PROTECTION ORDER?

A Domestic Abuse Protection Order is a specific kind of restraining order that is available to individuals who are victims of domestic abuse. Abuse can include physical violence, or threats of physical violence, stalking or sexual assault. A Domestic Abuse Protection Order is different from other kinds of restraining orders because the court has the authority to grant very special types of relief available only to victims of domestic abuse.

Who qualifies for a Domestic Abuse Protection Order?

You may qualify for a Domestic Abuse Protection Order if you are being abused and your relationship with the abuser is one of the following:

- Spouse or former spouse
- Person currently living as a spouse or who formerly lived as a spouse
- Current or former dating partner
- Person related by blood or marriage and currently residing together or formerly resided together; or
- Person with whom you have a child(ren) in common

Domestic Abuse Protection Orders are not available to a person who does not have one of these relationships with the abuser, or who has not shown the existence of abuse. If you are not in one of these relationships with the abuser or are not a victim of abuse, a Domestic Abuse Protection Order is not for you.

What types of Domestic Abuse Protection Orders may be issued?

Emergency Domestic Abuse Protection Order

- You must indicate in your petition whether you are asking for emergency relief.
- A Court may issue an emergency order if they find that you are in immediate and present danger of abuse.
- This type of order is issued without prior notice to your abuser.
- A hearing date will be scheduled, generally within ten (10) days, and your abuser will be summoned to appear in court for a hearing.
- The abuser will be served with a copy of the petition, emergency order (if issued) and a summons to appear for the hearing.
- An emergency order may be issued for no longer than ten (10) days. However, the court may extend the order as necessary, if the scheduled hearing must be continued to a later date.
- If you do not show up for the hearing, the order will expire and the petition will be dismissed. If you are unable to attend court for any reason, notify the court clerk and request a continuance.

Temporary Domestic Abuse Protection Order

- If you file a petition for a Temporary Order, the abuser will be served with the petition and will also be noticed of the date of the hearing in Municipal or Justice Court.
- At the hearing, you will be required to present evidence (which may include your testimony, testimony of witnesses or physical evidence, i.e. photographs) regarding the abuse that is alleged in the petition.
- Your abuser will also be able to present evidence.
- The Judge will then decide if the abuse has occurred and if you will qualify for a Temporary Order. If the Court decides that abuse has occurred, you will qualify for an order.
- The duration of a Temporary Order is limited by state law to no more than thirty (30) days if there are children in common under the age of 18 or up to one year if there are no children in common or the children are over the age of 18.
- If you believe that you will need protection for an extended period of time, you must request a Final Domestic Abuse Protection Order by filing a petition in Chancery or County Court.

Final Domestic Abuse Protection Order

- A Final Order can be issued for as long as the Judge determines is necessary.
- The same requirements regarding a hearing and evidence apply.
- Only Chancery and County Courts can issue Final Orders.
- If you are awarded temporary custody of minor children as part of your protection order, you must pursue a separate custody action in Chancery Court within 180 days, or your custody provisions will expire.

Is a Domestic Abuse Protection Order right for you?

You, as the victim, are the only one who knows if it is safe to petition the court for a Domestic Abuse Protection Order. Ask yourself:

- Will having this Order make me safer?
- How will the abuser react to being served?
- Will the abuser obey the Order?
- Will the Order put me in more danger?

Which Courts can issue Domestic Abuse Protection Orders?

- Justice, Municipal, County or Chancery Court.
- If you are seeking emergency relief, you must file your petition in the Municipal, Justice or County Court.

How do you begin the process of getting a Domestic Abuse Protection Order?

- The form, Petition for Domestic Abuse Protection, can be found on the Attorney General's website: attorneygenerallynnfitch.com, or the court clerk can provide you with one.
- The Petition must be completed by the victim and must be signed under oath.
- You must list specific allegations of abuse in your Petition and include information about the current abuse, but you can also include allegations of prior abuse.
- You are **not** required to file criminal charges to be eligible to request a Domestic Abuse Protection Order, however, if you have filed criminal charges, you may want to attach a copy of the criminal complaint to your Petition.
- You or your attorney will be responsible for obtaining a court date for the hearing on your Petition, however, the court clerk can provide you with instructions as to how to do this.
- Once the Petition is filed and the court date set, your abuser will be served with process (notifying your abuser of the allegations and the court date). Be aware that the abuser will be provided with a copy of the Petition that you filed, as well as with any emergency orders the court has granted.
- You are responsible for making sure that you and your witnesses appear for the hearing. Subpoenas are available to ensure that witnesses appear to testify. If a subpoena is necessary, you should provide the court clerk with the name and address of each witness immediately.

