Petition for Family Violence Temporary Protective Order Instructions and Steps:

Please carefully read and follow the guidelines below:

- Make sure the paperwork is legible;
- Read through the Petition carefully; fill out all appropriate spaces and check all appropriate areas;
- Include full birthdates (month, day, year) when possible;
- Make sure to select the type of relationship that exists in Paragraph 3;
- Provide detailed facts of the incidents that constitute family violence, including date(s) and details about the acts in Paragraph 4 and 5 of the Petition;
- If you wish to keep your address confidential, see paragraph 12;
- If you share children with the Respondent, see paragraphs 7, 8, 9, 10, 14, 15, & 16;
- If you and the Respondent live together and you desire that the Respondent be immediately removed from the home, see paragraph 13;
- If you truly need property that the Respondent has possession of, such as a vehicle, see paragraph 17;
- Make sure to check all lines where you are requesting relief from the Court located on pages 4, 5, & 6 of the Petition;
- Complete the 'Respondent's Identifying Fact Sheet' (last page for both the Petition and Ex Parte Order); include any protected parties (this would include yourself and potentially anyone that currently lives with you);
- **You must sign the Petition and Verification in the presence of a Notary Public**. Under your signature, print your name and give an address and, if you have one, telephone number. If you are requesting your address be kept confidential, please provide an alternate and reliable mailing address to receive notices about hearings or other information about your case;
- The completed Petition and Order will need to be submitted to the Clerk of Superior Court who will then deliver the Petition to one of the three Judges of the Northern Judicial Circuit;
- The Judge will review the Petition and either approve it or decline to approve it;
- The Petitioner should remain at the Clerk's office until the Judge responds so that the Petitioner can obtain a copy of the filed-stamped Petition and signed Order, unless otherwise instructed by the Clerk's office.
    - *(Note: Even if the Judge declines to enter an Ex Parte Temporary Protective Order, the Petitioner may still request the Clerk of Superior Court to schedule a hearing be held.)*

Note: The office of the Clerk of Superior Court cannot provide any legal advice, such as advice on completing the Petition. If you need assistance, you may consult an attorney or contact the Northeast Georgia Council on Domestic Violence at (706) 376-7111, available 24 hours.

THE SUPERIOR COURT FOR THE COUNTY OF _____
STATE OF GEORGIA

_____,	:	
Petitioner,	:	Civil Action File
	:	
v.	:	
	:	No. _____
_____,	:	
Respondent.	:	

PETITION FOR TEMPORARY PROTECTIVE ORDER

The Petitioner, pursuant to the Family Violence Act O.C.G.A. § 19-13-1 et seq., files this Petition for a Family Violence Protective Order and in support shows the Court the following:

1. Petitioner is a resident of _____ County, Georgia, and is 18 years of age or older or is an emancipated minor. Petitioner's year of birth is _____ , sex _____, and race _____.

2. Respondent is a resident of _____ County, Georgia, and may be served at _____, Georgia. Jurisdiction and venue are proper with this Court.

OR

2.1 Respondent is a resident of the State of _____. Under O.C.G.A. § 19-13-2 (b), jurisdiction and venue are proper with this Court because the abuse occurred in the State of Georgia in _____ County and/or Petitioner lives in _____ County. Respondent is subject to the jurisdiction of this Court and may be served at _____.

3. Petitioner and Respondent are:

____ 1. Present or past spouses
____ 2. Parents of the same child/ren
____ 3. Parent and child/ren
____ 4. Persons who used to live in the same household
____ 5. Persons currently living in the same household
____ 6. Foster parent and foster child
____ 7. Stepparent and stepchild

4. On or about _____, 20____, Respondent committed the following acts of family violence against Petitioner and/or the minor child/ren: _____
_____
_____

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Petitioner is in reasonable fear for Petitioner's own safety and/or the safety of the minor child/ren.

5. At other times Respondent has committed other such acts, including but not limited to (approximate dates and what happened):

_____
_____
_____
_____
_____
_____
_____
_____

6. There is a substantial likelihood that Respondent will commit such acts of violence against Petitioner and the minor child/ren in the immediate future if relief is not granted as provided pursuant to O.C.G.A. § 19-13-4.

Check the paragraphs below that apply to your case. Fill in the information needed by each paragraph you check.

____ 7. Petitioner and Respondent have ____ child/ren under the age of 18. Their names, years of birth, sex, and ages are _____
_____
_____

These child/ren have lived only with Petitioner and Respondent for the past five (5) years. (If the child/ren have not resided only with Petitioner and Respondent for the last five years, give the names of the persons, their addresses, and the dates the child/ren resided with them _____

_____

_____

_____

_____

____ 8. The parties are not married and Respondent _____ (has **OR** has not) legitimated the child/ren of the parties.

____ 9. Petitioner (does **OR** does not) have knowledge concerning custody or claims of custody concerning these child/ren including divorce, separation, juvenile, and DFCS cases. Specify court and type of case (if applicable) _____

_____

____ 10. Petitioner has the following minor child/ren living with Petitioner whom Petitioner wishes protected from Respondent and including in the Protective Order (names and ages): _____

_____

_____

____ 11. Petitioner believes Respondent has a criminal record and has committed the following crimes (approximate dates and crimes): _____

_____

____ 12. Petitioner fears that if Respondent learns of Petitioner's current address that Respondent will hurt or injure Petitioner or Petitioner's immediate family. Petitioner requests that Respondent not be informed of Petitioner's current residence.

____ 13. Petitioner is dependent upon the family residence for shelter for Petitioner and/or minor child/ren and asks that Petitioner be granted the temporary use and possession of said residence, located at _____, together with all personal property contained therein with the exception of Respondent's personal clothing.

____ 14. Petitioner and the minor child/ren are dependent upon the Respondent for support and requests that Petitioner be awarded temporary child support.

____ 15. Petitioner is dependent upon Respondent for support and asks that Petitioner be awarded temporary support.

____ 16. The minor child/ren are currently in the custody and control of Petitioner/Respondent and Petitioner asks for legal and physical custody.

____ 17. Petitioner asks that the following assets/property of Petitioner be returned by Respondent: _____

THEREFORE, Petitioner asks:

(a) That the Court set a hearing no later than thirty (30) days from the filing of the Petition and direct Respondent to appear before this Court and show any reasons why the demands of the Petitioner should not be granted;

(b) That the Respondent be served a copy of this Petition and Ex Parte Protective Order as required by law;

(c) That this Court direct law enforcement to enforce this Order;

(d) That this Court direct Respondent to stop abusing, harassing and intimidating Petitioner and/or Petitioner's child/ren;

(e) That this Court restrain and enjoin Respondent from having any direct or indirect contact with the Petitioner and/or Petitioner's child/ren;

(f) That this Court order that Respondent be enjoined from approaching within _____ yards of Petitioner;

(g) That this Court make findings of fact and conclusions of law concerning the issues in this case;

(h) That Petitioner have such other and further relief as the Court may deem just and proper;

(i) That this Court issue Family Violence Ex Parte and Twelve Month Protective Orders to:

Check the paragraphs below that apply to your case. Fill in the information needed by each paragraph you check.

____ award Petitioner temporary sole legal and physical custody of the minor child/ren;

____ order Respondent to vacate the family residence at _____ instanter;

____ grant Petitioner exclusive temporary use and possession of the family residence at _____ and all personal property of the parties located at the family

residence and Petitioner's current residence with the exception of Respondent's personal clothing; that law enforcement _____ (sheriff or police department) assist Petitioner in returning to the family residence and in ensuring that the Respondent vacates said residence and that all keys, garage door openers and other security devices to the family residence are secured and given to the Petitioner;

____ order Respondent to provide suitable alternate housing for Petitioner and/or Petitioner's children;

____ order Respondent to stay away from Petitioner's and/or Petitioner's minor child/ren's place of residence, place of employment, and/or school;

____ order Respondent's visitation with the minor child/ren be limited to no visitation or _____ _____;

____ order Respondent to pay to Petitioner child support for the minor child/ren;

____ order Respondent to pay spousal support for Petitioner;

____ award Petitioner costs and attorney's fees for having to bring this action;

____ order that Petitioner's current address be kept confidential;

____ enjoin and restrain Respondent from selling, disposing or encumbering, trading, contracting to sell, or otherwise disposing or removing from the jurisdiction of this Court any of the property of Petitioner or of the parties except in the ordinary course of business;

____ enjoin and restrain Respondent from disconnecting the home utilities, changing and/or canceling auto, health or life insurance for Respondent, Petitioner, and/or the Petitioner's minor child/ren, and/or interfering with Petitioner's or the Petitioner's minor child/ren's mail;

____ grant Petitioner the use of the following automobile: Make _____ , Model _____, Year _____, and law enforcement _____ (sheriff or police department) ensure that all keys to said vehicle be immediately returned to Petitioner;

____ permit Petitioner to remove the following property from the residence for the exclusive use by Petitioner and/or the minor child/ren _____ _____ _____ and law enforcement _____ (sheriff or police department) be ordered to assist Petitioner during this removal;

____ order Respondent to undergo evaluation for drug/alcohol abuse and to follow the recommended treatment;

____ order Respondent to undergo a batterer's intervention program and to follow the recommended treatment;

____ order Respondent to return _____ to Petitioner immediately;

____ order Respondent to reimburse Petitioner for damages or expenses for the following: _____

____ order additional relief as follows: _____ _____

Respectfully submitted,

_____
Petitioner

Address

_____

_____

_____

Telephone: _____
(Do not give current address if confidential; give alternative address)

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

_____,	:	
Petitioner,	:	Civil Action File
	:	
v.	:	No. _____
	:	
_____,	:	
Respondent.	:	

VERIFICATION

Personally appeared _____, who being duly sworn states that she/he is the Petitioner in the above styled case and that the facts set forth in the foregoing Petition for Temporary Protective Order are true and correct.

_____
Petitioner

Sworn and subscribed before
me this _____ day of _____ , 20___.

_____
NOTARY PUBLIC
My commission expires:

CIVIL ACTION FILE NO. _____

Pursuant to O.C.G.A. § 19-13-3,
Petitioner assisted by
Name: _____

Address: _____

_____

Phone: _____

REMOVE THIS PAGE FROM ORDER AND FILE SEPARATELY UNDER SEAL

CONFIDENTIAL INFORMATION FORM - ATTENTION COURT STAFF: THIS PAGE IS A RESTRICTED-ACCESS DOCUMENT.
This document is not accessible to the public or to other parties.

RESPONDENT'S IDENTIFYING FACT SHEET

(please complete as much as possible; one of these must be provided to have the order placed in the National Crime Information Center registry: Respondent's date of birth OR social security number)

Respondent's social security number is _____, date of birth is _____, sex ____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tattoos, scars, etc.)_____. Respondent drives a _____, license tag no:_____(Expires:____) and has a ___(state) driver's license no: _____(Expires:____). Respondent's home address _____ and is employed by_____ at _____ and works from ____ to ____ on (days)_____. Respondent has the following known aliases: _____.

PROTECTED PARTIES' IDENTIFYING INFORMATION

Petitioner: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

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ORI Number _____

SC-15

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

_____,	:	
Petitioner,		
	:	Civil Action File
v.	:	
	:	
_____,	:	No. _____
Respondent.	:	

FAMILY VIOLENCE EX PARTE PROTECTIVE ORDER

The Petitioner having prayed pursuant to O.C.G.A. §§ 19-13-1 et seq., that a Protective Order be issued; and alleged that Respondent has committed acts of Family Violence and that Petitioner is in reasonable fear of the Petitioner's safety and the safety of Petitioner's child/ren; and it appearing to the Court that probable cause exists that family violence has occurred in the past and may occur in the future, IT IS HEREBY ORDERED AND ADJUDGED:

1. That these proceedings be filed in the office of the Clerk of this Court.

2. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. § 19-13-4 (d). Law enforcement officers may use their arrest powers pursuant to O.C.G.A. §§ 19-13-6 and 17-4-20 to enforce the terms of this Order.

3. That a copy of this Order be given to law enforcement and the Respondent be served with a copy of this Order and Petition for Temporary Protective Order instanter.

4. **That the Respondent appear before this Court, on the ____ day of _____, 20_____at _____. m. in room _____ of the _____ County Courthouse at _____ to show cause why the requests of the Petitioner should not be granted.**

5. [pco01] That Respondent is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act of injury, maltreating, molesting, following, harassing, harming or abusing the Petitioner and/or the minor child/ren in any manner. Respondent is not to interfere with Petitioner's travel, transportation, or communication. Respondent shall not follow, place under surveillance, or contact the Petitioner at any place of the Petitioner for the purpose of harassing and intimidating the Petitioner.

6. [pco02] That the Respondent is enjoined and restrained from doing or threatening to do any act of injury, maltreating, molesting, harassing, harming, or abusing the Petitioner's family or household.

7. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and the Court ordered that the Respondent be given reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights. This Order shall be presumed valid and pursuant to 18 U.S.C. § 2265(a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as if an Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY:

_____ 8. [pco03] That until further Order by this Court, Petitioner is awarded sole and exclusive use of the family residence at _____.

_____ 9. Respondent is ordered to leave the family residence immediately and law enforcement _____ (sheriff or police department) is ordered to assist Petitioner in returning to the family residence and the removal of the Respondent. Respondent is to immediately surrender to law enforcement _____(sheriff or police department) all and any keys, garage door openers and other security devices to the family residence and law enforcement is to ensure that these are given to the Petitioner.

_____ 10. Respondent is ordered to provide suitable alternate housing for Petitioner and/or Petitioner's children by _____.

_____ 11. Petitioner's address is ordered to be kept confidential.

_____ 12. [pco04] Respondent is ordered to stay away from Petitioner's and Petitioner's minor child/ren's residence at _____ and workplace at _____ or school and any subsequent residence or workplace or school of Petitioner and/or Petitioner's minor child/ren.

_____ 13. [pco01,04] That until further Order of this Court, Respondent is restrained and enjoined from approaching within _____ yards of Petitioner and/or Petitioner's minor child/ren.

_____ 14. [pco05] Respondent is ordered not to have any contact, direct, indirect or through another person with Petitioner, by telephone, fax, e-mail or any other means of communication except as specified in this Order.

_____ 15. [pco09] That Petitioner is awarded temporary custody of the minor child/ren, namely:

_____ YOB _____ sex _____
_____ YOB _____ sex _____
_____ YOB _____ sex _____
_____ YOB _____ sex _____

Respondent is ordered not to interfere with the physical custody of the child/ren.

_____ [pco06] Check here ***only if Respondent*** is awarded temporary custody of child/ren.

_____ 16. That Respondent is ordered to pay temporary child support for the minor child/ren to Petitioner in the amount of $_____ every _____ beginning _____.
All payments shall be made by or to: _____ income deduction order
_____ child support receiver
_____ by mail directly to the Petitioner
or _____ _____

_____ 17. That Respondent is ordered to pay temporary support for the Petitioner in the amount of $_____ every _____ beginning _____
All payments shall be made by or to: _____ income deduction order
_____ child support receiver
_____ by mail directly to the Petitioner
or _____ _____

_____ 18. That Respondent, **only when accompanied by local law enforcement**, shall be able to remove his/her clothing and personal items from the residence as follows:

_____

_____

On _____, 20_____ at _____.m.

_____ 19. That (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to sell, encumber, trade, damage, contract to sell, or otherwise dispose of or remove from the jurisdiction of this Court any of the property or pets of the Petitioner or joint property or pets of the parties except in the ordinary course of business.

_____ 20. That (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to disconnect or have disconnected the home utilities, change or have changed and/or cancel or have canceled auto, health or life insurance for Respondent, Petitioner, and/or Petitioner's child/ren or interfere with Respondent, Petitioner's and/or Petitioner's child/ren's mail.

_____ 21. That Petitioner is awarded temporary sole possession of the vehicle: Make _____ Model_____ Year _____Color _____. Respondent shall immediately surrender all keys, proof of insurance, and registration to this vehicle to law enforcement, and law enforcement shall immediately turn over said items to Petitioner.

_____ 22. That Petitioner shall be allowed to remove the following property from the family residence for Petitioner and/or Petitioner's child/ren's use: _____

_____.

On _____, 20_____ at_____ law enforcement _____ (sheriff or police department) is hereby ordered to assist the Petitioner during this removal.

_____ 23. That Respondent shall be required to return the following property for Petitioner and/or Petitioner's children's use: _____

On _____, 20_____ at _____ and law enforcement _____ (sheriff or police department) is hereby ordered to assist the Petitioner during this return.

_____ 24. It is further Ordered:

[pco08] _____

_____

SO ORDERED this _____ day of _____, 20_____.

JUDGE, SUPERIOR COURT

_____ County

_____

Print or stamp Judge's name

Violation of the above Order may be punishable by arrest.

CIVIL ACTION FILE NO. _____

NOTICE TO RESPONDENT

1. **Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.**
2. **This Order shall remain in effect unless specifically superseded by a subsequent signed and filed Order, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify or dismiss this Order. Either party may ask this Court to change or dismiss this Order.**
3. **A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior, follows, places under surveillance, or contacts Petitioner on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony Aggravated Stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to $10,000.00.**

CIVIL ACTION FILE NO. _____

Pursuant to O.C.G.A. § 19-13-3,
Petitioner assisted by
Name: _____
Address: _____
_____
Telephone: _____

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

CIVIL ACTION FILE NO. _____

REMOVE THIS PAGE FROM ORDER AND FILE SEPARATELY UNDER SEAL

CONFIDENTIAL INFORMATION FORM - ATTENTION COURT STAFF:
THIS PAGE IS A RESTRICTED-ACCESS DOCUMENT.
This document is not accessible to the public or to other parties.

***For transmittal to the Georgia Protective Order Registry and, if applicable,**

the National Crime Information Center.*

RESPONDENT'S IDENTIFYING FACT SHEET

(please complete as much as possible; one of these must be provided to have the order placed in the National Crime Information Center registry: Respondent's date of birth OR social security number)

Respondent's social security number is _____, date of birth is _____, sex ____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tattoos, scars, etc.)_____. Respondent drives a _____, license tag no:_____(Expires:____) and has a ____(state) driver's license no: _____(Expires:____). Respondent's home address _____ and is employed by_____ at _____ and works from ____ to ____ on (days)_____. Respondent has the following known aliases: _____.

PROTECTED PARTIES' IDENTIFYING INFORMATION

Petitioner: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

Other: _____ DOB _____ sex _____ race _____

☐ **Transmitted to Georgia Protective Order Registry** **Date** _____ **Clerk** _____

Rev'd 8/14