

What PROTECTION can this TPO give me?



Pursuant to Georgia Law
(O.C.G.A. 19-13-4), a TPO can:

- Direct a party to refrain from family violence acts.
- Grant a spouse possession of the residence or household of the parties and exclude the other spouse.
- Require a party to provide suitable alternate housing for a spouse and his/her children.
- Award temporary custody of minor children and establish temporary visitation rights.
- Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered.
- Order either party to make payments for the support of a spouse or the minor children as required by law.
- Provide for possession of personal property of the parties.
- Order a party to refrain from harassing, interfering with, or contacting the other.
- Award costs and attorney's fees to either party.
- Order either or all parties to receive appropriate psychiatric or psychological services as further measure to prevent the recurrence of family violence.

Is the TPO good out of the county or state?

The Full Faith and Credit Provision on the Violence Against Women Act (VAWA U.S. Code Section 2265) requires states and Indian tribes to enforce valid protection orders issued by foreign states. Whatever the implications of violating a TPO are in the new state or Indian land, these apply to enforcement of the order from the old state or Indian land.

Remember:

*Always keep a copy of the order with you. Keep copies of the order at other places you frequent such as school, daycare, relative's home, work, etc. If you believe a TPO is being violated, report this violation to law enforcement immediately.

*Keep all evidence of violence such as photos, caller ID information, phone records, cards, and letters and document each contact or violation. If you are being followed, contacted, or harassed, contact law enforcement immediately.

*Don't let the defendant violate the order, which means do not contact him/her once the order is in effect. This type of contact may invalidate the order

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TEMPORARY PROTECTIVE ORDERS FAMILY VIOLENCE



Victim Services
Office of the District Attorney
Northern Judicial Circuit

What is a Temporary Protective Order (TPO)?

A TPO is a legal document issued by a court to help victims obtain protection from persons abusing, harassing, or stalking them. A TPO will generally prohibit contact between parties and may remove or restrict someone from a certain place or residence. The following must occur before a judge will consider issuing a TPO:

A recent act of family violence

The victim, or someone acting on behalf of the victim, must complete a petition requesting that a TPO be issued.

Once the petition is completed, the victim will speak to a Judge.

If the Judge finds that the order should be issued, papers will be filed at the clerk's office. The sheriff's office will receive a copy of the order so that the defendant can be served with the order.

If the defendant violates the provisions set forth in the order, he/she can be held in contempt of court and possibly be arrested for a criminal violation. Any violation of the order should be reported to law enforcement and the courts.

Conditions for Application

Under Georgia Law, an application for a TPO can be made without the assistance of an attorney and there are no fees involved. An application for a TPO can be made if an act of family violence has occurred in one of the following situations:

**Past or present spouses*

**Parents of the same children*

**Parents and children*

**Stepparents and stepchildren*

**Foster parents and foster children*

**Persons living or formerly living in the same household*



NOTE: Dating relationships where there has been no cohabitation or no common children, generally will not qualify for a TPO.



WHAT IF A TPO IS VIOLATED?

A criminal violation of a protective order pursuant to Georgia Law (O.C.G.A. 19-13-6(b)) may occur only if the order states that the defendant has been evicted or excluded from the residence of the victim. Violations of other orders, generally referred to as "no contact" orders, will be handled through civil contempt actions. However, violations of TPO provisions can possibly lead to other criminal charges.

If you believe a violation of a TPO has occurred, contact law enforcement to report the violation. If the responding law enforcement agency determines that a criminal violation has occurred, the defendant may be arrested.

Where do I get a TPO issued?

-Generally, a TPO is issued through the Superior Court of the County in which the perpetrator or defendant lives. If the perpetrator is not a Georgia resident, the order may be issued in the country where the abuse occurred.

How long will the TPO be in effect?

-Both the perpetrator and the victim will have to appear before a Judge within 30 days of the original order to determine whether or not the TPO should be extended for up to a year.

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