



## Restraining and Protective Orders

Restraining and protective orders are some of the most common petitions made to the Superior Court.

A restraining order and a protective order are the same thing. The circumstances involved in the case are what determines if the request should be called a “restraining” or a “protective” order.

The first step to request either type of order is to file a petition in the office of the Clerk of Court. The petition is then forwarded to a Superior Court Judge for consideration. If a temporary order is granted, a hearing is arranged. A permanent restraining or protective order may or may not be the result of the hearing.

An automatic restraining order, called a “standing order,” is issued for a divorce. This order may become permanent, depending on the case.

Their purpose is to restrain certain conduct on the part of an individual, one of their main uses is to prohibit harassment or violence against an individual or individuals. In other cases, they may be used to evict a person from a residence or help someone return to a residence to live or just to retrieve personal property. In divorce cases, they may be used to grant temporary custody and visiting rights, possession of the family residence, or provide alternate housing for a spouse and children.

A person violating the terms of an order, he/she will be arrested and will face the consequences of his/her defiance.

### **Filing a Petition for a Restraining or Protective Order**

Restraining or protective orders are issued through a Superior Court Judge, but the process of obtaining such an order begins when an attorney or a community service agency (which aids victims of domestic violence, such as F.A.I.T.H), files a petition for an order in the office of the Clerk of Court. Individuals may also file their own petitions, but the Clerk of Court employees do

not have the forms to give out to the general public nor can they provide any type of legal advice about this matter.

Once a petition is on record in this office, it is assigned to one of the Superior Court Judges for consideration and becomes the responsibility of that court. If the Judge grants a temporary order, a hearing is scheduled. Any permanent orders that are issued as a result of the hearing are signed by the Judge and filed in this office.

Copies of orders on file may be obtained any time during normal business hours.

F.A.I.T.H. Fight Abuse In The Home <http://faith-inc.org/> Crisis line 1-888-782-1338