

### ***What should I do the day of the hearing?***

- Be on time
- Make sure all your witnesses are present. If anyone is missing, make sure to tell the judge.
- Dress properly.
- Be prepared to spend some time in court. There could be hearings before yours.
- Relax and remain calm. Take deep breaths and never lose your temper in the courtroom.
- Always tell the truth.
- If you don't understand a question, say so.
- If you don't know an answer to a question, just say so.
- Make sure to tell the judge if you want custody of your children. If there is any property that you own jointly. And also what you need for supporting yourself and your children.

### ***What happens during the hearing?***

- You tell your side first.
- The judge and your abuser may ask you questions. If you are scared to answer something, tell the judge.
- When you are finished, your witnesses will take the stand. You may ask them questions, then the judge and the abuser can ask them questions.
- The abuser will tell his/her side. The judge and you will then get to ask questions.
- The judge then after hearing from everyone, makes his/her decision based on all the evidence.

### ***After the hearing is finished:***

- Review the order before you leave, and make sure that nothing is wrong or missing.
- Make copies of the order, and keep a copy on you at all times. Leave copies with your work, your child's school or daycare, in your home, in your car, etc. It would also be a good idea to make sure the police have a copy.

**If the abuser violates the order in any way, call the police as soon as possible.**

**If you want the protective order to be extended after its expiration date, you should go back to court and ask a judge to extend your order. You should go before your first order lapses, or you may have to start all over.**

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# Protective Orders



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## **What are protective orders? What types are there?**

A protective order is a court order to stop violent and harassing behavior. It is meant to protect you and your family from abuse. There are three types of protective orders:

**Emergency Protective Orders-** Are for anyone who feels they are in immediate danger of domestic violence and the court is closed. To obtain a protective order you must go to the nearest police department and request a form from a police officer. After the form is filled out, the police contact a judge by telephone. The judge may issue the emergency order over the phone, if they believe you are in immediate danger. These orders are only good until the close of the next day that the court is open. For the order to remain in effect, you must go to the nearest district or superior court before the close of the next business day to request a protective order that will last longer.

**Temporary Protective Order-** When at court to file for a final protective order, you can ask for a temporary order. The judge may grant you a temporary protective order to protect you until the hearing date for the final protective order.

**Final Protective Order-** Issued only after a court hearing where you and your abuser both tell your sides of the story to a judge. You must attend the hearing. A final order may last up to one year, unless otherwise stated. Orders can be extended.

You do not need to hire a lawyer for final protective order hearings, but you can if you wish.

*If you wish to have a lawyer represent you for the hearing, but can't afford one... Call DOVE at 1-800-639-5290 or 1-603-224-3333. It is a NH program that links volunteer attorneys with clients who need representation for final protective order hearings.*

## **Who can get a protective order?**

- ~ spouse or ex-spouse
- ~ boyfriend/girlfriend or ex-boyfriend/girlfriend
- ~ someone you are dating or have dated
- ~ anyone you are related to by blood or marriage
- ~ any current or former household member or roommate

## **How do I get a final protective order?**

- 1. Go to the court to file a domestic violence petition.** Go to your hometown's district court or the abuser's hometown district court. Ask the clerk of the court for forms to file a final protective order. If you are in immediate danger, tell the clerk you also want a temporary order.
- 2. Fill out the petition.** If you have any questions don't hesitate to ask the clerk.
- 3. A judge will consider your petition.** The clerk takes the completed forms to a judge. The judge decides if there is enough immediate danger to grant a temporary order. The judge can ask you questions or just decide based on the information provided on your petition. If the judge grants the temporary order you can get a copy from the clerk. After a temporary order is granted, a date will be set by the judge for the final protective order hearing.
- 4. Going to the hearing.** You must go to the hearing. If you do not go to the hearing, the temporary order will expire and you would have to start the process all over again. If you choose not to go to the hearing, it may be harder to get a protective order in the future. If the abuser doesn't

show up, the judge may still grant the order or they may reschedule the hearing date.

## **How do I prepare for the hearing?**

### **Witnesses**

•Contact any witnesses who saw the abuse or your injuries. Anyone can be a witness. Some may not come to court unless they receive a subpoena to appear and testify. Ask the court clerk about the subpoena process. If someone you subpoenaed does not come, let the judge know.

### **Get evidence that can prove your case. Such as:**

- Your statement or witnesses' statements about the incident
- Medical Reports
- Dated pictures of your injuries
- Household objects torn or broken by your abuser
- Pictures of any disarray in your house that took place because of domestic violence
- Weapons the abuser used
- Anything that can help a judge understand how much you have suffered because of your abuser.

### **Your testimony**

- Think about what you wish to tell the judge
- Make notes or an outline of the history of violence between you and the abuser
- Tell your story in your own words, but leave out details that have nothing to do with the physical violence or threats of violence

- Make sure to tell the judge where on your body you were hit, how you were hit, how often, and how many times