

TEMPORARY PROTECTIVE ORDER **TPO**

❖ **What is a Family Violence Temporary Protective Order (TPO)?**

It is a legal document, granted in Superior Court, to help victims and their children obtain protection from persons abusing, threatening or putting them in fear for their safety.

❖ **What Acts Constitute Family Violence?**

Any act that involves violence, force, threat, restraint, bodily injury or places a person in reasonable fear of bodily injury.

❖ **Who is eligible to apply for a Family Violence TPO?**

- Past or present spouses
- Persons who are parents of the same child(ren)
- Parent or child
- Step-parent or step-child
- Foster parent or foster child
- Persons living, or formerly living, in the same household

❖ **What Can a Family Violence TPO Do?**

It can order the perpetrator to leave the residence, give you sole use of the residence, grant temporary custody of the children, order child support, give you temporary sole use of a vehicle and prohibit cancellation of marital accounts.

❖ **What is a Temporary Stalking Order?**

It is a legal document, granted by the Court, to help victims obtain protection from persons stalking them.

❖ **What Acts Constitute Stalking?**

Any pattern of harassing or intimidating behavior, which puts a person in fear for their safety. Anyone can apply for a Temporary Stalking Order, even if the relationship with the perpetrator does not fall into one of the above categories.

❖ **Where do I get a TPO or a Temporary Stalking Order?**

They must be obtained in the **county in which the perpetrator lives**. If the perpetrator is not a resident of the State of Georgia, the Order may be obtained in the County where the abuse occurred or where the victim lives.

❖ **Where can I apply for an Order in Cherokee County?**

The Cherokee Family Violence Center, 100 Hearthstone Landing Drive, Canton, GA or through most attorneys. **PLEASE NOTE THAT THE MAGISTRATE COURT AND THE SUPERIOR COURT CLERK'S OFFICE DO NOT ASSIST WITH TPO's IN CHEROKEE COUNTY.**

❖ **How do I Obtain a TPO or Stalking Order?**

- The victim completes a petition requesting that a TPO be issued.
- Once the petition is completed, the victim will go before a judge.
A Cherokee Family Violence Center's legal advocate will assist **you in these steps** you in these steps.
- If the judge grants the Order, the proper papers will be filed with the **Clerk's office**

- A court date will be assigned within 30 days.
- The Sheriff's office will receive a copy of the Order, so that the perpetrator can be served with the Order.
- The victim must appear before a judge within 30 days of the original Order, to determine if the TPO should be extended for up to one year.

The perpetrator may appear if he so chooses.

❖ **How Can Cherokee Family Violence Center Help Me?**

Legal advocates are available to answer questions and assist you in applying for a TPO. This process can take from 2-4 hours. No appointment is necessary. This service is provided free of charge. To speak with a legal advocate, please call 770-479-1804, Ext. 205 or 206.

The legal advocates can also refer you to similar agencies in other counties, if necessary.

We will help you create a safety plan for you and your children, whether you obtain an Order or not. We provide on-going case management services and helpful classes in recovering from an abusive relationship.

If you need to enter a family violence shelter or have questions after business hours, please call our hotline at 770-479-1703.

❖ **What Documents Do I Need to Bring?**

Police reports and photos if available. If children are involved bring proof of income, health insurance premiums paid and child care expenses paid.

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