

TEMPORARY PROTECTIVE ORDER

TPO

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

It is a legal document, granted by the 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.
- 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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