

IMPORTANT INFORMATION ABOUT YOUR PROTECTIVE ORDER

The judge has just issued an emergency protective order under O.C.G.A.. §19-13-1 or §16-5-94. The next step is a court hearing where you are requesting the court to extend the emergency order for twelve (12) months. Your emergency order is only good until the court date listed below.

You have been issued an Ex-Parte Protective Order that is not enforceable until the Respondent is personally served. Your hearing will take place at 9:00 am in courtroom 1200 D of the DeKalb County Courthouse. **Please make sure you are properly dressed and are on time for that hearing.** You are encouraged to use the public parking deck located behind the courthouse building. It is a flat fee of \$6.00, cash or cards accepted.

You probably have some questions about the process for the next hearing. The following information is intended to assist you in preparing for the hearing. If you do not have an attorney you will need to present your case to the judge on your own. A mediator from the Women's Resource Center will be at the hearing to answer questions and assist you, but they cannot speak for you. If the Respondent is represented by an attorney and you are indigent, an attorney from the DeKalb Volunteer Lawyers Foundation may be available to represent you at the hearing.

It is important that you have evidence (proof) of the abuse **with you at that hearing.** The evidence (proof) that you may be able to use is:

- **Certified** copies of police reports
- Copies of medical reports
- Pictures of damage the abuser has done; recent and past
- Pictures of your injuries; recent and past
- Witnesses; friends and family that have seen the abuse, your injuries or the damage done by the abuser
- Copies of cell phone bills (especially if it's a stalking case)
- Copies of any letters or other material you feel is important
- Copies of the abuser's most recent paycheck stubs if you have children together.
- Recordings of threatening or harassing phone calls

Please note: **there is no official court reporter** assigned on site to take down and report Protective Order hearings. If a court reporter is desired, you must provide your own.

If you have witnesses coming with you, they may

need to be subpoenaed. This can be done by going to the DeKalb County Superior Court Clerk's office where you filed your Protective Order. Ask for witness subpoenas for your case. There should be no charge for the subpoenas. You will need your copy of the emergency order to get the subpoenas. If a police report is essential to proving your case, you may need to subpoena the officer who wrote the report.

Please do not bring small children to the hearing. You may have to wait for a long time for the court to reach your case. If your child/children become(s) noisy or disruptive, you and the child/children may be asked to leave the courtroom. If you must bring the child/children with you, also bring someone who can watch the child/children in the corridor outside the courtroom. Generally speaking young children will not be allowed to testify in court. Depending on their age, maturity, and the relevance and importance of their testimony, some older children may be allowed to testify. For instance, a fourteen year old child who was himself the victim of the family violence would probably be allowed to testify.

If you want the court to consider ordering child support in your case, you must complete two forms in their entirety: the Child Support Worksheet and the Domestic Relations Financial Affidavit. Bring both of these completed forms with you on your court date. You may seek assistance with these forms from the Family Law Information Center (FLIC) located on the first floor of the DeKalb County Courthouse, Room 160.

On the day of court you will have to appear or the judge will dismiss your order. **If the other party has not been served, you still need to be in court.** The Judge may continue your order for one or two weeks in order to give the Sheriff's Office more time to serve the individual. If you have more information, please be sure to have it available to give to the Sheriff's Office in order to help them serve the individual.

Once the judge has heard your case and if the judge grants your request to extend the order for an additional twelve months you will need to wait in the courtroom for a copy of the order. This should take about 15-30 minutes, but it is very important because in order to prove you have a valid order you need a certified copy signed by the judge.

If the abuser violates the order, you should immediately call 911 and make a police report; all violations should be reported. A violation includes contact of any type to you in-person, by a third party, e-mail, phone calls, letters, flowers, or any

other means to communicate to you. It will be up to the law enforcement agency responding to arrest the individual for the violation.

If, before the expiration of your twelve-month order, you decide that you need the order extended, you will need to contact the Women's Resource Center at (404) 370-7670 at least four weeks before the order expires to file a petition seeking to extend the order. If the abuser has not paid child support or failed to do anything else that has been ordered by the judge, it is contempt and you can file a contempt action. You do this by contacting the Women's Resource Center or the Family Law Information Center at (404) 687-3990 to request a copy of the necessary paperwork to file a Motion for Contempt and request a hearing. A hearing date will be set and the offending party must be served.

If you currently have an attorney for a divorce or plan to hire one it would be advisable to have that attorney present at the hearing. If you cannot afford an attorney, you may want to contact the Decatur Office of the Atlanta Legal Aid Society at (404) 377-0701 or the DeKalb Volunteer Lawyers Foundation at (404) 373-0865.