

# What is the Process for Getting an Order of Protection?

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An Order of Protection is a court order that protects an individual from harassment, stalking, and threats of abuse or harm. An Order of Protection can be either for an adult, or for a child. To ask a court to issue either an adult or a child Order of Protection, a person can go online or to the courthouse to fill out the paperwork.

The paperwork to fill out requesting an Order of Protection (the Petition) includes the relationship between the person applying (the petitioner) and the person against whom they are seeking the Order (the respondent) and the addresses where the respondent may be found. The petitioner must also include allegations to show the acts committed by the respondent, and the reason why they are afraid, either for themselves or for their child.

If the judge reviewing the Petition believes there is the potential for immediate harm, they will issue an “ex parte” Order which is temporary in nature. That ex parte Order is in effect immediately, and does not require that the respondent be served prior to the Order taking effect. If the judge does not believe immediate harm may occur, they will not issue the ex parte Order, but will issue a summons for both parties to appear in court.

Both the ex parte Order and the summons include a date and time for the parties to appear in front of a judge to have a full hearing on the Order. Both parties are able to present evidence and provide sworn testimony under oath. A judge will then make a decision about whether to issue a full Order of Protection or not.

For questions about Orders of Protection, please reach out to one of the family law attorneys at Sandberg Phoenix.