

YOUR LEGAL RIGHTS

TEENS AND RESTRAINING ORDERS

learn
look out
step up
speak out
adults
network

What is a restraining order?

A restraining order is a court order requiring that your girlfriend or boyfriend (whether a current or ex-partner) stop abusing you.

Restraining orders may include any of the following restrictions, and require the abuser to:

- stop abusing you
- not contact you, directly or indirectly
- leave or move out of your home
- stay away from you at home, school, work, or anywhere you may be
- give you custody of your minor child
- stop abusing or contacting your child
- surrender any guns, permits or ammunition
- collect his/her belongings from your home only when accompanied by the police

How is abuse defined by the law?

The law says that you are abused if your former or current boyfriend or girlfriend is:

- attempting to physically hurt you
- physically hurting you
- placing you in fear of serious physical harm, or
- causing you to engage in sexual relations by force, threat, or duress

Who can apply for a restraining order?

If you have been in any of the following relationships and are being abused, you can apply for a restraining order:

- substantive dating, based on how you were involved (no minimum length of time), how often you saw each other, and (if the relationship is over) how long ago it ended
- living together in the same household
- engaged or married
- have a child together
- related by blood or marriage

Note: The law applies to all dating relationships. Both heterosexual and LGBTQ teens are covered by the law.

[1.800.899.4000] [www.reachma.org/pavenet]

YOUR LEGAL RIGHTS

learn
look out
step up
speak out
adults
network

Where do I get an restraining order?

While you can apply for a restraining order at your local district court, probate court, or superior court, most people either go to district court where they live.

How do I apply for a restraining order?

At court, the clerk's office will give you an application to fill out. Many courts have a victim advocate who can answer questions about restraining orders and referrals. You can ask to see an advocate at the clerk's office.

You will have a hearing in front of a judge. The judge will review your request and decide whether you qualify for a temporary restraining order, which can last for 10 days.

What happens after the judge issues a temporary restraining order?

After a judge issues a temporary order for up to ten days they will assign you a return date. The local police will try to find the abuser and give them a copy of the order.

On the return date you must come to court to ask the judge to continue the order. If you do not come to court the order will expire. A hearing on the return date will determine whether the restraining order will be continued.

An advocate can assist you at the hearing by answering any questions and standing with you before the judge. The abuser has the right to come to court, participate in the hearing, and defend themselves.

The judge will decide whether or not to extend the temporary restraining order to a permanent order. This can last up to one year. When the permanent order is set to expire, you can come into court to ask the judge to renew it.

I am under 18. Does my parent or another adult have to come with me?

A person under 18 is considered a minor. If you are under 18, a judge may request that a parent or guardian accompany you to court. If that is not possible, the court may appoint someone to discuss the situation with you and report it to court. However, the judge can issue you a restraining order without an adult present if you are in danger.