

## CIVIL HARASSMENT ORDERS

### What is a Civil Harassment Order?

A civil harassment order is a restraining order you can obtain against someone with whom you have *no relationship* who is harassing you or who has been violent with you. It can last up to 3 years and may be renewed. The civil harassment order is granted by the superior court (not by the family law court, and not by the criminal court). You may be able to get a short temporary restraining order (called a TRO), and then you must attend a court hearing to get the longer civil harassment order. In some cases there is a filing fee to apply for a civil harassment order. (If there is a filing fee for your application, you may qualify for a fee waiver so that you do not have to pay anything.)

### How Do I Qualify for a Civil Harassment Order?

**You are eligible for a civil harassment order if someone has been physically or sexually violent against you, threatened violence against you, or engaged in behavior directed at you that seriously alarms, annoys or harasses you, which has caused you a lot of emotional distress. *Your harasser does not have to be related to you in any way.***

### What Can a Civil Harassment Order Do?

It can order the harasser not to harass you and your family and household members and not to threaten or physically attack you. It can order the harasser not to keep you under surveillance or follow you, not to telephone you, and not to block your movements in public places. The harasser can be ordered to stay away from you, your home, and your work. It can also order the losing party in the case (the harasser or you) to pay the winning party's court costs and attorney's fees. It **cannot** order the harasser to move out of your home. Violation of a civil harassment order is a criminal offense.

### How Do I Get a Civil Harassment Order?

To apply for a civil harassment order, you can hire an attorney or you can get free help at the Superior Court or go to the Restraining Order Self-help Clinic at 170 Park Center Place, San Jose, CA 95113 (408-534-5600)

## CRIMINAL COURT PROTECTIVE ORDER

The criminal court can make a restraining order against your abuser if your abuser is a defendant in a criminal case. A criminal court protective order tells the defendant not to contact, harass or threaten you, and to stay at least 150 yards away from you. Violation of the criminal protective order is a criminal offense. It is recommended that you also apply for a Domestic Violence Restraining Order because a criminal court protective order can be dissolved with no notice to the protected person. For more information, call the Victim Witness Assistance Center at 408-295-2045.

## EMERGENCY PROTECTIVE ORDERS

### What is an Emergency Protective Order (EPO)?

An EPO is a restraining order which the police can get for you from a judge who is on duty 24 hours a day. It is good for a maximum of **five business days or seven calendar days**. There is no fee.

### How Do I Qualify for an EPO?

Your abuser must be a current or former spouse, someone with whom you have or have had a dating or engagement relationship, a parent of a child in common with you, or someone to whom you are related by

blood, marriage, or adoption. **You are eligible for an EPO if you are in immediate and present danger of domestic violence, based on a recent incident of abuse or threat of abuse by your abuser, or if your child is in immediate and present danger of being abducted by a parent or relative, based on a recent threat to abduct the child.**

#### What Can an EPO Do?

The EPO can order your abuser not to contact you, to stay up to 100 yards away from you, and to move out of your home immediately until the order expires (the order lasts up to five business days or seven calendar days). The EPO can also award you temporary care and control of any children you and the abuser have in common. Violation of an EPO is a criminal offense.

#### How Do I Get an EPO?

Call the police when the abuser assaults or threatens you and request an EPO. They can call the on-duty judge and request an EPO. If the judge grants an EPO, the police will give you your pink copy of it. You should keep this order with you at all times, and you should bring it with you to the restraining order clinic so that we can photocopy it to attach to your application for a longer restraining order.

## **DOMESTIC VIOLENCE PREVENTION ACT RESTRAINING ORDERS**

#### What is a Domestic Violence Restraining Order?

A domestic violence restraining order lasts much longer than an EPO. It can last up to five years, and it can be renewed. The domestic violence restraining order is granted by the family law court. First you can get a short temporary restraining order (called a TRO), and then you must attend a family law court hearing to get the longer restraining order. There is no fee for a domestic violence restraining order.

#### How Do I Qualify for a Domestic Violence Restraining Order?

Your abuser must be a current or former spouse, someone with whom you have or have had a dating or engagement relationship, a parent of a child in common with you, or someone to whom you are related by blood, marriage, or adoption. **You are eligible for a domestic violence restraining order if your abuser caused or attempted to cause you bodily injury or sexual assault, if your abuser made you reasonably fear imminent serious bodily injury, or if your abuser has been stalking and harassing you.**

#### What Can a Domestic Violence Restraining Order Do?

A domestic violence restraining order can do more than an EPO. It can order your abuser not to contact you, to stay 100-150 yards away from you, and to move out of your home. The court can also make custody, visitation and child support orders regarding children you have in common with your abuser. Violation of a domestic violence restraining order is a criminal offense.

#### How Do I Get a Domestic Violence Restraining Order?

You can go to the Restraining Order Self-help Clinic at 170 Park Center Place, San Jose, CA 95113 (408-534-5600)