

Burden of proof is less in civil protective order cases as compared to criminal prosecution.



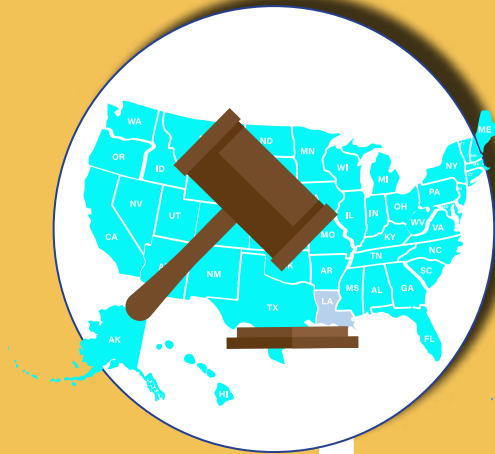
By way of a TRO, the court may order:

- The abuser to stop threatening, harassing, and/or hurting you;
- The abuser to cease all types of contact with you and your children;
- May also award you temporary custody of children;
- The abuser to stay away from your home, job, school, etc.;
- The abuser to not sell, destroy, and/or give away property or items you own together

By way of a full order of protection (after a court hearing with both sides presenting evidence), the court may order:

- Any of the relief available via TRO above;
- Temporary visitation schedule for kids;
- Temporary financial support;
- Medical evaluation of the abuser;
- Counseling;
- Prohibition of firearm possession (in certain circumstances)

A P.O. can be enforced in any parish, and even other states are bound to recognize them.



COSTS: The abuser must pay all costs (filing fees, costs to serve parties and/or subpoena witnesses). You should NOT be ordered to pay costs (even partially) UNLESS the judge specifically finds that your petition for protection was FRIVOLOUS (i.e., not even remotely based in fact or law).

If your abuser violates a civil protective order, they can be held in contempt and be subject to civil *and* criminal liability.

LaFASA
Louisiana Foundation Against Sexual Assault

2133 Silverside Drive, Ste. A
Baton Rouge, LA 70808
Office: 225-372-8995



Visit www.Lafasa.org to find local resources and free support and materials.



If you or someone you know has experienced sexual harm contact LaFASA's free and anonymous helpline to have your questions answered, for more resources in your parish, or if you just need someone to "be there" for you.

Connect with a support specialist by:

Text - 225.351.(SAFE) 7233

Chat - lafasa.org or

Talk - 888.995.7273 (English/Spanish)

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THE Path TO A Protective Order



A protective order can provide immediate protection from a perpetrator.

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A SEXUAL ASSAULT PROTECTIVE ORDER (P.O.) is an order from a *civil* court that can protect you from an abuser, regardless of your relationship with them (family, friend, acquaintance, stranger, etc.).

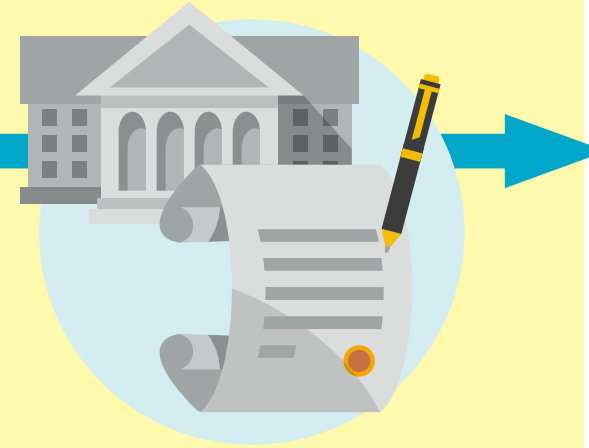


A P.O. can be a valuable tool in finding justice and regaining control.



You may seek a civil protective order whether or not you've decided to press charges or seek relief through the criminal justice system.

You are able to get a protective order without a lawyer, but your chances of success certainly increase with legal representation.



An attorney can work with you to prepare your Petition for Protection. Or you can go to the Clerk of Court's office in the parish where the assault occurred or where you or the abuser live, and the Clerk of Court personnel should give you the proper forms wherein you can write exactly what happened to you and can even explain prior, similar incidents from your abuser if applicable.

A judge will review your Petition for Protection, and based on that judge's discretion, you could be issued a TRO (Temporary Restraining Order) to provide you with immediate protection until the matter can be fully heard by the court. The judge may also choose *not* to issue a TRO, but that isn't the end of the process. In either event, the judge *should* schedule a hearing (usually within a three week time period) to afford you the opportunity to present evidence to support your abuse allegation, and the abuser will likewise be afforded the opportunity to present a defense. This hearing is essentially a civil trial to determine if you are entitled to a full order protection.



LaFASA's legal program provides *pro bono* legal consultation and representation to survivors statewide and can assist with obtaining a P.O. Contact the office to speak with the staff attorney: 225.372.7587.