

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

_____,
 Petitioner, : Civil Action File
 v. :
 _____, : No. _____
 Respondent. :

DATING VIOLENCE TWELVE MONTH PROTECTIVE ORDER

A hearing was held on this matter on _____, 20____ for which Respondent had notice as required by law and at which Respondent appeared and/or was provided with the opportunity to be heard and Petitioner requested that the Protective Order entered in this case be continued. Having heard the evidence presented, reviewed the petition and the entire record concerning this case and for good cause shown, the court FINDS that the parties are currently, or within the last six months were, in a dating relationship or that a party to this action is currently pregnant with the other party's child:

FINDINGS OF FACT/S – At least one of the following is found as initialed by the Judge:

- _____ a. There is a committed romantic relationship between the parties that is not associated with mere friendship or ordinary business, social, or educational fraternization;
- _____ b. Factors exist which corroborate the dating relationship;
- _____ c. The parties developed interpersonal bonding above a mere casual fraternization;
- _____ d. The length of the relationship between the parties is indicative of a dating relationship;
- _____ e. The nature and frequency of the parties' interactions, including communications, indicate the parties intended to be in a dating relationship;
- _____ f. The parties by statement or conduct demonstrated an affirmation of their relationship to others;
- _____ g. Both parties have acknowledged the dating relationship; or,
- _____ h. A party to this action is currently pregnant with the other party's child;

The Court relied on the following specific facts in finding the above _____

_____.

The Court further finds that probable cause exists that the following act(s) of Dating Violence has/have occurred in the past and may occur in the future:

_____ Simple battery (O.C.G.A. § 16-5-23)

_____ Battery (O.C.G.A. § 16-5-23.1)

_____ Simple assault (O.C.G.A. § 16-5-20)

_____ Stalking (O.C.G.A. § 16-5-90)

_____ The felony offense(s) of _____

IT IS HEREBY ORDERED AND ADJUDGED:

1. That these proceedings be filed in the office of the Clerk of this Court.
2. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. § 19-13A-4 (e). Law enforcement may use their arrest powers pursuant to O.C.G.A. § 17-4-20 to enforce the terms of this Order.
3. This Order shall remain in effect for up to twelve (12) months from this date _____, 20____ until _____, 20____.
4. Respondent has violated the Dating Violence Act, O.C.G.A. § 19-13A-1 et seq. by committing dating violence, and represents a credible threat to the physical safety of Petitioner. Respondent is hereby enjoined and restrained from doing or attempting to do, or threatening to do any act of injury, maltreating, molesting, following, harassing, harming, or abusing Petitioner in any manner. Respondent is not to interfere with Petitioner's travel, transportation, or communication. Respondent shall not follow, place under surveillance, or contact the petitioner at any place of Petitioner for the purpose of harassing and intimidating Petitioner.
[pco01]
5. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and the Court ordered that Respondent be given reasonable notice and opportunity to be heard sufficient to protect Respondent's due process rights. This Order shall be presumed valid and pursuant to 18 U.S.C. § 2265 (a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as ordered as if an Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY:

_____ 6. Respondent is ordered to permit Petitioner to enter Respondent’s residence to retrieve Petitioner’s property and law enforcement _____ (sheriff or police department) is ordered to assist Petitioner in returning to Respondent’s residence and retrieving Petitioner’s property.

_____ 7. Respondent shall immediately surrender to law enforcement _____ (sheriff or police department) all and any keys, garage door openers and other security devices to Petitioner’s residence and law enforcement shall ensure that these are given to Petitioner.

_____ 8. Petitioner’s address is ordered to be kept confidential.

_____ 9. Respondent is ordered to stay away from Petitioner’s residence at _____ and workplace at _____ and _____ school and any subsequent residence or workplace or school of Petitioner.

[pco04]

_____ 10. That Respondent is restrained and enjoined from approaching within _____ yards of Petitioner.

[pco01, 04]

_____ 11. Respondent is ordered not to have any contact, direct, indirect, or through another person, with Petitioner, by telephone, fax, e-mail, electronic media, or any other means of communication except as specified in this Order.

[pco05]

_____ 12. That Respondent, **only when accompanied by local law enforcement**, shall be able to remove his/her clothing and personal items from Petitioner’s residence as follows:

_____ on _____, 20__ at _____.m.

_____ 13. Respondent is ordered not to interfere with Petitioner including that Respondent may not sell, encumber, trade, damage, contract to sell, or otherwise dispose of or remove from the jurisdiction of this court any of the property of Petitioner.

_____ 14. That Petitioner shall be allowed to remove the following property from Respondent’s residence for Petitioner’s use: _____

_____ and on _____, 20 ____ at _____ .m. law enforcement _____ (sheriff or police department) is hereby ordered to assist Petitioner during this removal.

____ 15. That Respondent shall be required to return the following property for Petitioner's use: _____

and on _____, 20 ____ at _____ .m. law enforcement _____ (sheriff or police department) is hereby ordered to assist Petitioner during this return.

____ 16. Respondent is ordered to undergo appropriate psychiatric, psychological, or educational services (initial all that apply):

____ Respondent is ordered to undergo evaluation for drug/alcohol abuse and to follow the recommended treatment.

____ Respondent is ordered to undergo psychiatric/psychological/mental health evaluation and to follow the recommended treatment.

____ It is further Ordered that Respondent shall make arrangements to begin a Georgia Commission on Family Violence (GCFV) certified family violence intervention program (FVIP) within fourteen (14) days of the signing of this Order, or if appropriate within fourteen (14) days upon release from incarceration. A list of local certified agencies can be found at www.gcfv.ga.gov. Furthermore, Respondent shall appear before this court _____, 20____ at _____m. for a hearing on the status of his/her application, attendance and/or completion of the FVIP. At that hearing, Respondent is ordered to present to this court a written status report from the agency providing the certified FVIP. The status report shall detail Respondent's application, attendance and/or completion of or failure to apply, attend and/or complete the FVIP and shall be signed by an officer of the agency.

____ 17. Petitioner is awarded costs and attorney fees in the amount of \$_____.

____ 18. Respondent is awarded attorney fees in the amount of \$_____.

____ 19. It is further Ordered:

[pco08]

SO ORDERED this _____ day of _____, 20_____.

CIVIL ACTION FILE NO. _____

JUDGE, SUPERIOR COURT

_____ County

Print or stamp Judge's name

Violation of the above Order may be punishable by arrest.

NOTICE TO RESPONDENT

- 1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.**
- 2. This Order shall remain in effect unless specifically superseded by a subsequent signed and filed Order, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify or dismiss this Order. Either party may ask this Court to change or dismiss this Order.**
- 3. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior, follow, places under surveillance, or contacts Petitioner on public or private property for the purpose of harassing and intimidating the other person. This activity can subject Respondent to arrest and prosecution for felony Aggravated Stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to \$10,000.00.**

Pursuant to O.C.G.A. § 19-13A-3,

Petitioner assisted by

Name: _____

Address: _____

Telephone: _____

REMOVE THIS PAGE FROM ORDER AND FILE SEPARATELY UNDER SEAL

CONFIDENTIAL INFORMATION FORM - ATTENTION COURT STAFF:
THIS PAGE IS A RESTRICTED-ACCESS DOCUMENT. This document is not accessible to the public or to other parties.

For transmittal to the Georgia Protective Order Registry and, if applicable, the National Crime Information Center.

RESPONDENT'S IDENTIFYING FACT SHEET

(please complete as much as possible; one of these must be provided to have the order placed in the National Crime Information Center registry: Respondent's date of birth OR social security number)

Respondent's social security number is _____, date of birth is _____, sex _____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tattoos, scars, etc.)_____. Respondent drives a _____, license tag no: _____(Expires:____) and has a ____ (state) driver's license no: _____(Expires:____). Respondent's home address is _____ and is employed by _____ at _____ and works from _____ to _____ on (days)_____. Respondent has the following known aliases: _____.

PROTECTED PARTIES' IDENTIFYING INFORMATION

Petitioner: _____ DOB _____ sex _____ race _____
Other: _____ DOB _____ sex _____ race _____
Other: _____ DOB _____ sex _____ race _____
Other: _____ DOB _____ sex _____ race _____
Other: _____ DOB _____ sex _____ race _____

Transmitted to Georgia Protective Order Registry

Date _____ Clerk _____