

**PROPOSED AMENDMENTS TO THE
UNIFORM RULES FOR SUPERIOR COURT
APPROVED FOR FIRST READING, JULY 30, 2014**

Proposed Revision to the Protective Order Forms

**SC 16 Family Violence Twelve Month Protective Order
(provided as a template-changes proposed as to all protective
order forms)**

THE SUPERIOR COURT FOR THE COUNTY OF _____

STATE OF GEORGIA

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

FAMILY VIOLENCE TWELVE MONTH PROTECTIVE ORDER

A hearing was held on this matter on _____, 20____ for which the Respondent had notice as required by law and at which the Respondent appeared and/or had the opportunity to be heard and the 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, 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. § 19-13-4(d). Law Enforcement officers may use their arrest powers pursuant to O.C.G.A. §§ 19-13-6 and 17-4-20 to enforce the terms of this Order.
3. This Order shall be in effect for up to twelve (12) months from _____, 20____ until _____, 20____.
4. [pco01] That the Respondent has violated the Family Violence Act, at O.C.G.A. § 19-13-1 et seq., by committing family violence, has placed the Petitioner in reasonable fear for Petitioner’s safety, and represents a credible threat to the physical safety of Petitioner and/or Petitioner’s child/ren. 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 the Petitioner and/or the minor child/ren 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 the Petitioner for the purpose of harassing and intimidating the Petitioner.
5. [pco02] That the Respondent is enjoined and restrained from doing or attempting to do, or threatening to do, any act of injury, maltreating, molesting, harassing, harming, or abusing the Petitioner’s family or household.

6. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and Respondent received reasonable notice and had the opportunity to be heard before this Order was issued sufficient to protect the Respondent's due process rights and 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 if an Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY

____ 7. Petitioner is awarded sole and exclusive possession of the residence at _____
[pco03] _____

____ 8. Respondent is ordered to leave the family residence immediately and law enforcement at _____ (sheriff or police department) is ordered to assist Petitioner in returning to the family residence and the removal of the Respondent. Respondent shall immediately surrender to law enforcement _____ (sheriff or police department) all and any keys, garage door openers and other security devices to the family residence and law enforcement shall insure that these are given to the Petitioner.

____ 9. Respondent is ordered to stay away from Petitioner's and Petitioner's child/ren's residence and workplace and/or school and any subsequent residence or workplace or school of Petitioner and/or Petitioner's minor child/ren.
[pco04]

____ 10. Respondent is ordered to provide suitable alternate housing for Petitioner and/or Petitioner's children by _____.

____ 11. That Respondent is restrained and enjoined from approaching within _____ yards of Petitioner and/or Petitioner's minor children.
[pco01,04]

____ 12. Respondent is ordered not to have any contact, direct, indirect or through another person with Petitioner, by telephone, pager, fax, e-mail or any other means of communication except as specified in this Order.
[pco05]

____ 13. That Petitioner is awarded temporary custody of the minor child/ren, namely:
[pco09] _____ YDOB _____ sex _____
_____ YDOB _____ sex _____
_____ YDOB _____ sex _____
_____ YDOB _____ sex _____

Respondent is ordered not to interfere with the physical custody of the minor child/ren.

____ [pco06] Initial here **only if Respondent** is awarded temporary custody of the child/ren.

_____ 14. The _____ shall pay to the _____, for the support of the minor child/ren, the sum of _____ Dollars (\$ _____) per _____, beginning _____, 20_____.

All payments are to be made by or to: _____ income deduction order
_____ child support receiver
_____ by mail directly to the Petitioner
or _____

_____ 15. Respondent is ordered to pay temporary support for the Petitioner in the amount of \$ _____ every _____ beginning _____.

All payments are to be made by or to: _____ income deduction order
_____ child support receiver
_____ by mail directly to the Petitioner
or _____

_____ 16. Respondent shall have visitation with the minor child/ren according to the following schedule, beginning _____:

- _____ no visitation
- _____ no visitation until _____
- _____ supervised visitation, supervised by a third party as follows:

_____ visitation every other weekend from Friday at 6 p.m. until Sunday at 6 p.m beginning _____, _____

_____ other visitation _____

_____ circumstances concerning how Respondent shall pick up and return the minor child/ren shall be _____

Strict compliance with this visitation provision shall not be a violation of the restraining provisions of this Order.

_____ 17. Respondent, **only when accompanied by local law enforcement**, shall be able to remove his/her clothing and personal items from the residence as follows:

On _____, 20_____ at _____ m.

_____ 18. (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to sell, encumber, trade, damage, contract to sell, or otherwise dispose of or remove from the jurisdiction of this Court any of the property or pets of the Petitioner or joint property or pets of the parties except in the ordinary course of business.

_____ 19. (Respondent)(Petitioner)(both Respondent and Petitioner) [strike through appropriate] is/are ordered not to disconnect or have disconnected home utilities, change or have changed and/or cancel or have canceled auto, health or life insurance for Respondent, Petitioner, and/or Petitioner's child/ren or interfere with Respondent, Petitioner's and/or Petitioner's child/ren's mail.

_____ 20. Petitioner shall have sole, exclusive temporary possession of the vehicle: Make _____ Model _____ Year _____ Color _____. Respondent shall immediately surrender all keys, proof of insurance, and registration to this vehicle to law enforcement and law enforcement shall immediately turn over said items to Petitioner.

_____ 21. Petitioner shall be allowed to remove the following property from the family residence for Petitioner and/or Petitioner's child/ren's use _____

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

_____ 22. Respondent is ordered to undergo alcohol/drug abuse evaluation and follow the recommended treatment.

_____ 23. That Respondent shall be required to return the following property for Petitioner and/or Petitioner's child/ren's use _____

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

_____ 24. Petitioner is awarded costs and attorney fees in the amount of _____.

_____ 25. **FAMILY VIOLENCE INTERVENTION PROGRAM**

It is further Ordered that the Respondent shall make arrangements to begin a 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 will be given to the Respondent with this Order. 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.

OR

_____ Respondent is ordered to undergo a certified family violence intervention program and comply with the attached compliance form.

OR

_____ Respondent is ordered to undergo a certified family violence intervention program.

OR

_____ Respondent is not ordered to undergo a certified family violence intervention program and the following reasons exist:

_____ 26. Petitioner/protected party is either a spouse, former spouse, parent of a common child, Petitioner’s child, child of Respondent, cohabitates or has cohabited with Respondent and qualifies for 18 U.S.C. 922(g). It is further ordered that the Respondent shall not possess or purchase a firearm or ammunition as restricted by federal law under 18 U.S.C. 922(g)(8).
[pco07]

_____ 27. It is further Ordered:

[pco08]

SO ORDERED this _____ day of _____, 20_____.

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 superceded by a subsequent Order signed and filed, 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. If after a hearing, of which the Respondent received notice and opportunity to participate, a protective order is issued which restrains Respondent from harassing, stalking or threatening an intimate partner, Respondent is prohibited from possessing, receiving, or transporting a firearm or ammunition which has been shipped or transported in interstate or foreign commerce for the duration of the Order. 18 U.S.C. § 922(g).**
- 4. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts another person on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the 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.**

CIVIL ACTION FILE NO. _____

Pursuant to O.C.G.A. § 19-13-3,
Petitioner assisted by

Name: _____

Address: _____

Phone: _____

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

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 _____ 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 _____

Transmitted to Georgia Protective Order Registry

Date _____ Clerk _____