

# CAN TEENS GET AN ORDER OF PROTECTION?

**YES! Young people of any age can apply for an Order of Protection (sometimes called a restraining order). Day One can help you get one and talk to you about other ways to keep yourself safe.**

## What is an Order of Protection?

An Order of Protection (or “OP”) is a document signed by a Judge that says someone who has harmed or threatened another person is not allowed to do certain things.

An Order of Protection COULD say any one or all of the following:

- Your abuser must stop physically/emotionally harming you
- Your abuser must stop harassing or stalking you (including by email, text message, Facebook page, Instagram, etc.)
- Your abuser must stay away from you, your home or your school
- Your abuser must be excluded from your shared home, and only be allowed to return for his/her belongings at a specific time with police escort

If the Order of Protection is issued in Criminal Court, it COULD also say:

- Your abuser must attend a batterers’ intervention program.
- Your abuser must pay for your medical expenses related to the abuse

If you and your abuser have a child together, an Order of Protection COULD also say that:

- Your abuser must stay away from your child, except for court-ordered visitation
- Your abuser must pay temporary child support

## Where can I get an Order of Protection?

Orders of Protection are issued by courts. Victims of crimes can get an OP from Criminal Court.

Teenagers can also get an OP from Family Court. You are allowed to have an OP from both Courts, and there are no fees involved in getting an OP.

### Criminal Court:

The Criminal Court process starts when you go to the precinct to file a complaint or when the

police respond to an emergency call.

Police precincts have Domestic Violence Prevention Officers ready to help you, and you can ask to speak to that person. A police officer will ask questions about what happened. After the police officer takes down your complaint and fills out a report, the officer might have your abuser arrested. If that happens, your complaint will be forwarded to the District Attorney’s (DA’s) office and they will decide what charges, if any, should be filed against your abuser. You may be asked to sign a statement saying what happened between you and your abuser (a corroborating affidavit). It is possible you will not have to testify in court against the abuser.

Once the police have arrested the abuser, s/he will be charged (“arraigned”) in court. You should get an OP at this time. It will last until the next court date, when you should get another one.

You will get a final OP if your abuser pleads guilty or is found guilty at trial. A final OP typically lasts between 2 and 8 years, depending on the facts of your case. The Judge could sentence the abuser to participate in a batterers’ intervention program, probation, jail, anger management classes, alcohol or drug treatment programs, or to pay the victim for money or property lost because of the abuse.

### Family Court:

To get an OP from Family Court, you and your abuser must have one of the following relationships:

- you are married or divorced
- you have or had an intimate relationship with each other

- you have a child together
- you are related by blood or marriage

You DO NOT have to go to the police in order to get an OP from Family Court. You must file an application (a “petition”) with the Family Court in the borough where you or your abuser live or where the abuse happened. You are called the PETITIONER. The abuser is the RESPONDENT.

On the day that you file the petition, you will appear before a judge, who will give you a temporary Order of Protection if s/he thinks you need one. The judge will tell you when you have to return to court. The temporary OP will have an expiration date stamped on it.

As soon as possible after your first day in Court, the police or someone other than you who is over

18, must give (“serve”) the court papers to the abuser so that s/he knows when to come to court.

Whoever serves the respondent must sign a paper (an “affidavit”) saying that s/he served the papers. You must take this paper to court when you return. The temporary OP is not effective until the respondent has been served.

If you cannot afford a lawyer, a Judge may appoint one for you free of charge. The abuser may also be assigned a lawyer. At the hearing, both you and the respondent will tell the judge what happened between you. The judge will decide whether to issue a final Order of Protection. A final OP lasts for either 2 or 5 years, depending on the facts of your case.

### What do I do once I have my Order of Protection?

You are the only one who can enforce your OP. If your abuser acts in ways that the OP prohibits, you can call the police. The police should arrest him/her for violating the OP.

An Order of Protection is an effective and important tool to enhance your safety.

However, an OP is NOT a guarantee of safety. Talk to a professional about safety planning whether you decide to seek an order of protection or not.

### DO TEENS EXPERIENCING RELATIONSHIP ABUSE HAVE OTHER RIGHTS?

**YES! Contact Day One to discuss your right to:**

- receive confidential legal services
- access confidential shelter space
- request a school safety transfer
- seek individual or group counseling
- apply for immigration benefits
- seek medical attention without parental consent