

How to Prepare for Your Contested Restraining Order Hearing



IMPORTANT!

This handout is not a substitute for the advice of an attorney. Restraining order hearings can be complicated and much is at stake. Before representing yourself, you should make every effort to get legal help. If you have not tried to get an attorney, please do so now. Free or low-cost legal services (see page 4) may be available to help you in your restraining order hearing. The information in this booklet is accurate as of January 2011.

BEFORE THE HEARING

WHAT IS A CONTESTED HEARING?

- The Judge granted your restraining order based on the information you gave in your petition for the restraining order. Since you filed the petition for a restraining order, you are the Petitioner. The judge did not hear from the person you got the restraining order against (the Respondent). If the Respondent disagrees with the information you gave or disagrees with any part of the order, he or she has a right to a hearing in front of a judge.
- The purpose of the hearing is to decide whether or not your restraining order will remain in effect, and if it does remain in effect, if the order will stay the same or change in some way.

HOW DO YOU KNOW IF YOUR RESTRAINING ORDER HAS BEEN CONTESTED?

The court will send you a "Notice of Hearing" in the mail. The notice will tell you the date, time, and location of the hearing. You will also get a copy the Respondent's "Request for Hearing," which has been filled in by the Respondent. The Request for Hearing form will look something like the following:

REQUEST FOR HEARING
I am the Respondent in the above-referenced action and I request the following:
<i>Select Paragraph 1 OR 2 below:</i>
1. <input type="checkbox"/> NO HEARING DATE HAS BEEN SET, and I am requesting a hearing to contest (object to) all or a part of the order as follows (mark one or more):
<input type="checkbox"/> The order restraining me from contacting, threatening or attempting to contact the Petitioner.
<input type="checkbox"/> The order granting temporary child/ren custody to the Petitioner.
<input type="checkbox"/> The terms of the parenting time order.
<input type="checkbox"/> Other: _____
2. <input type="checkbox"/> THE COURT HAS ORDERED AN "EXEPTIONAL CIRCUMSTANCES" HEARING, but I am requesting an earlier hearing date to be held within 5 days after the date I file this request with the court, which is earlier than the date of the hearing already scheduled by the court which is _____ (date).
<input type="checkbox"/> I will also be contesting (objecting to) all or a part of the order as follows (mark one or more):
<input type="checkbox"/> The order restraining me from contacting, threatening or attempting to contact the Petitioner.
<input type="checkbox"/> The order granting temporary child/ren custody to the Petitioner.
<input type="checkbox"/> The terms of the parenting time order.
<input type="checkbox"/> Other: _____
I <input type="checkbox"/> will <input type="checkbox"/> will not be represented by an attorney at the hearing. The name and Bar Number of the attorney (if known) are: _____
<input type="checkbox"/> I will need _____ language interpretation services at the hearing.
<input type="checkbox"/> I will need American's with Disabilities Act accommodations at the hearing.
Notice of the time and place of the hearing can be mailed to me at the address below.

Respondent's Signature

WHEN CAN YOUR RESTRAINING ORDER BE CONTESTED?

There are two ways a restraining order can be contested:

1. Within 30 Days After Service

The Respondent can request a hearing for a period up to 30 days after he or she received a copy of the court papers. At this hearing the Respondent can ask to have the order dismissed or can ask to have any part of the order changed. If the Respondent is contesting child custody, the hearing must take place within 5 days of the request. If custody is not contested or no joint children are involved, the hearing must take place within 21 days of the request. When filling out your petition for the restraining order, you can request that the Sheriff's Office contact you by text message or email when the order has been served on the Respondent.

2. Exceptional Circumstances Hearing for Custody and Parenting Time

Sometimes, a judge will schedule a hearing to get more information to help him/her make a decision about custody and parenting of your child. The judge can require this hearing whether or not the Respondent is objecting to the restraining order. This "exceptional circumstances" hearing will be the Respondent's only chance to contest the restraining order. This "exceptional circumstances" hearing must be scheduled within 14 days after the Petition is granted. During those 14 days, the judge can set up a temporary arrangement for custody and parenting time. The Respondent can ask the court to schedule the hearing sooner than 14 days.

If More Than 30 days Have Passed Since Service

After 30 days from service, the Respondent cannot ask to have the restraining order dismissed. If the Respondent tries to challenge the existence of the Restraining Order when more than 30 days have passed, you should tell the judge and ask that the hearing be cancelled and that the Restraining Order be continued without any changes. For information about modification of (changing) restraining orders, go to page 14.

CAN YOU RESCHEDULE THE HEARING DATE?

Sometimes – depending on your situation. You must go to the hearing. If you do not go to the hearing, the restraining order probably will be dismissed. In some circumstances, a judge may agree to a request to reschedule the hearing, especially if one side has an attorney and the other does not. The judge may refuse to reschedule the hearing, however, so you should go to court prepared for your hearing on the date scheduled. You may want to check with the court about the process for asking to reschedule in your county.

If you have an emergency that caused you to miss the hearing, make sure that you contact the court immediately to explain what happened. Also, if you miss the hearing because you did not get notice from the court in time, call the court immediately. If the judge dismisses your restraining order because you did not attend the hearing, you may be able to re-file, if you still meet the requirements for an order.

WHEN IS THE HEARING?

Look at your "Notice of Hearing." It will tell you the day and time of your hearing. If you are unsure, call your local court and ask the court clerk when your hearing is scheduled. When you call, be prepared to

provide the clerk with your case number. Your case number is the number on the upper right hand corner of the first page of your restraining order.

WHERE IS THE HEARING?

Look at your "Notice of Hearing." It will tell you the address of the courthouse. It will also tell you the courtroom where your hearing will be held. If you are unsure, call the county courthouse and ask the court clerk for directions. If you can, it is a good idea to try to find the courthouse a few days before your hearing.

WHEN SHOULD YOU GO TO THE COURTHOUSE?

Arrive early enough to give yourself time to get through the security line, meet with your witnesses and find the courtroom. You should plan to arrive at least 30 minutes before the hearing.

DO YOU NEED A LAWYER?

Although the judge will be prepared for cases not involving attorneys, you should try to get an attorney. An attorney can be very helpful, especially if custody or parenting time is being contested or if the Respondent will have a lawyer at the hearing.

If you do not know a lawyer, you can call the Oregon State Bar (toll-free) at 1-800-452-7636 for a referral to a lawyer in your area. If you are low-income and cannot afford a lawyer, contact your local legal aid office. A directory of legal aid offices can be found at www.oregonlawhelp.org.

WHAT IF YOU CANNOT FIND A LAWYER?

You should begin preparing your case. If you do not defend your restraining order at the contested hearing, it is likely that the order will be dismissed. Continue to read this booklet for tips on representing yourself.

WHAT SHOULD YOU WEAR TO THE HEARING?

Wear nice, clean, clothing, such as something you might wear to an employment interview, church, or a graduation.

DO YOU NEED AN INTERPRETER?

If you do not speak English, you are entitled to an interpreter and the court should provide one. The process for asking the court for an interpreter is different in each county. Call the court and explain that you will need an interpreter for your contested restraining order hearing. Be sure to tell the clerk your name, the case number, and the date and time the hearing is scheduled.

IF YOU NEED AN INTERPRETER, NOTIFY THE COURT IMMEDIATELY - DO NOT WAIT!

Si Ud. requiere un intérprete, avíseselo a la corte sin tardar – ¡no espere!

WHAT CAN YOU DO IF YOU ARE SCARED THAT THE RESPONDENT MIGHT HARASS YOU OR YOUR WITNESSES IN COURT?

You can ask to have a law enforcement officer present. To do this, you need to call the courthouse ahead of time and explain that you have a restraining order hearing and are concerned for your safety at the courthouse. Explain that you would like an officer in the courtroom during your hearing.

When the hearing is over you can ask the judge to keep the Respondent in the courtroom until you have had time to leave the building or ask that a deputy walk with you to the entrance of the courthouse or even to your car.

HOW DO YOU PREPARE FOR YOUR HEARING?

Take some time to read through this packet. Pay special attention to what you need to show at your hearing. Think about who is available to testify for you at the hearing.

AT THE HEARING

HOW SHOULD YOU ACT AT THE HEARING?

- Stand when the judge enters the room.
- Sit down after the judge or clerk tells you to sit.
- When talking to the judge, call her/him "your honor."
- Be polite. Do not interrupt anyone during the hearing. Stop speaking if the judge interrupts you.
- The judge or the Respondent (or his/her attorney) may ask you questions. If you do not understand a question, tell the judge. Do not answer a question until you fully understand it.
- If you don't know the answer to a question, the right answer is "I don't know."
- Take your time when answering questions and explain your answers if you think it is necessary.
- Be truthful on all matters, even if you think the truth might hurt you in one or more instances. The truth can help you overall. The judge is more likely to believe the testimony of individuals who don't try to appear perfect.
- Be sincere. Don't be sarcastic or appear angry with the judge or the other side.
- Remain calm. Do not use the hearing to bad mouth the Respondent.

WHAT IS THE LAYOUT OF THE COURTROOM?

The "bench" is where the judge sits. If there is a court reporter, he or she will usually sit in front of the judge. The judge's clerk usually sits off to the judge's side. Across from the judge are two tables where the parties (you and the Respondent) and their lawyers sit.

WHO WILL BE AT THE HEARING?

- The judge and the judge's staff will be there.
- If requested for protection, a sheriff may be present.
- The Respondent, his/her witnesses and his/her lawyer may be there.
 - If the Respondent is at the hearing, you do not have to speak to him/her except when the judge tells you to. Remember that you are both there to speak with the judge.
 - If the Respondent sits too close to you, move away to a distance where you feel safe. You have a right to keep him/her at a safe distance. If the Respondent is making you feel uncomfortable or unsafe in the courtroom, ask the judge or sheriff for help.
- Your witnesses should also be there.

- Don't be surprised, if there are a number of other people in the courtroom. They may be waiting for their own hearings. It is not unusual for several hearings to be scheduled at the same time in the same courtroom.

HOW WILL YOU KNOW WHEN YOUR HEARING BEGINS?

The judge or clerk will call your case. When you hear your name called, stand and let the judge know that you are there and wait for the judge to give you further instructions.

WHAT HAPPENS AT THE HEARING?

The judge will address the issues that the Respondent checked off in his/her hearing request form. This may be the entire restraining order or only parts like custody, parenting time, or removal from the family home. If the Respondent brings up issues other than the ones marked in the hearing request form, you may ask the judge for extra time to allow you to prepare a response to the new issues.

PROCEDURES AT THE HEARING

WHO GOES FIRST?

Who goes first will vary from judge to judge. Be prepared to go first, but don't be surprised if the judge asks the Respondent to begin.

WHAT ARE THE PARTS OF THE HEARING?

A hearing has different parts. They include:

Opening Statement

- Some judges like to hear "opening statements." For this reason, it is best to have something prepared. Once you are before the judge, ask him/her if he or she would like to hear your opening statement.
- If so, your opening statement should be a short summary of what you want, what information you intend to present, and how your evidence will support your position.
- For example:
 - *"Good morning, Your Honor. I want to keep my restraining order in place. I also want the court to keep custody and parenting time as it is in my restraining order. This morning I will present a witness who will testify that she saw the Respondent hit me within the last two weeks. She will also testify that the Respondent has continued to threaten to hurt me. Finally, I will present two photos of my injuries."*

Your Own Testimony

You are probably the most important witness in your case. When it is your turn to talk, you should testify about the abuse that you described in your restraining order. Telling the judge about other times the Respondent has abused and frightened you is also important. This may not be an easy thing to do, but it is very important. Use as much detail as possible, such as exactly what the Respondent did, when and where he or she did it, what injuries or effect it had on you, and who else was present during the abuse.

Direct Examination

Direct examination is your chance to ask your witnesses the questions that you have prepared. Your questions should be simple and direct and should be aimed at telling your story as clearly as possible. For example:

If you have a witness who saw the Respondent hit you, you might ask the following questions:

- Have you ever seen the Respondent hit me?
- When?
- Please describe what you saw.
- Have you ever heard the Respondent threaten me?
- Please describe what you heard.
- Were my children there? (If children were present)
- Have you ever seen bruises on me or other injuries?
- Are you frightened of the Respondent? If yes, why?
- Have you ever seen Respondent hit or fight with others?
- When?
- Please describe what you saw.
- (If children and custody are at issue): Describe your relationship to Petitioner or Respondent.
- Have you seen Respondent with the child(ren)? How does s/he behave when with the child(ren)?
- If the witness is familiar with your daily routine, have him/her testify about who feeds, clothes, and generally cares for the children.
- Have you ever heard the respondent threaten to take the children and not return them?
- When?

Cross-Examination

Cross-examination is your chance to ask the Respondent and his/her witnesses any questions that you may have after listening to their testimony. For example, if the Respondent has a criminal record, you may want to ask: "Have you ever been convicted of a crime or are you on a pretrial release?" You may also want to ask about other restraining orders against the Respondent if you know they exist.

It may be easiest if the respondent and his/her witnesses have to answer with a "yes" or "no" to most of the questions you ask. You do not have to ask the Respondent or the Respondent's witnesses any questions.

The Respondent or the Respondent's lawyer (if s/he has one) will also be able to cross-examine you and your witnesses.

Re-Direct or Rebuttal

This is your chance to explain anything that may have become confused during the testimony of the Respondent, the Respondent's witnesses, or the Respondent's cross-examination of you and your witnesses. Not all judges will encourage this.

Closing Argument

After the testimony of the parties and their witnesses, most judges do not want to hear anything else. Others will let you summarize or argue the facts of your case. This is called the "closing argument." If you have the opportunity, you should summarize your case in a closing argument.

For example: *"Your Honor, I have presented a witness who testified that she saw the Respondent hit*

me within the last two weeks. She has also testified that Respondent has threatened to harm me and my children. Additionally, you have seen photos of my injuries. I continue to fear that Respondent will harm me. For these reasons, I ask that the court keep my restraining order as it is."

Ruling

Once everyone has testified, the judge will give his/her decision. She/he might keep the restraining order as it is, change it, or dismiss it. If the judge dismisses the restraining order, it is no longer in effect. This also means that any custody or parenting time order that was included is no longer enforceable.

WHAT DO YOU NEED TO PROVE?

The restraining order law requires that certain facts must be shown before a restraining order will be issued or upheld. These are: 1) that you have a relationship with the Respondent that qualifies for protection under the restraining order laws; 2) that the Respondent abused you within the last 180 days (six months); and 3) that you are in serious danger of further abuse by the Respondent. Each of these is discussed in detail below.

Relationship

You must explain to the court that you and the Respondent have one of the following types of relationships:

- You are currently married to or in a registered domestic partnership with the Respondent;
- You used to be married to or in a registered domestic partnership with the Respondent;
- You are an adult related by blood, marriage, or adoption to the Respondent;
- You and the Respondent are lovers who currently live together (includes same-sex relationships);
- You and the Respondent are lovers who previously lived together (includes same-sex relationships);
- The Respondent is someone with whom you have had a sexually intimate relationship in the last two years (includes same-sex relationships);or
- The Respondent is your children's legally established parent.

<p>A minor petitioner qualifies for protection if she/he is the spouse or the former spouse of the Respondent or has been in a sexually intimate relationship with the Respondent. The Respondent must be 18 years or older. The two-year limit does not apply to a minor who has been sexually intimate with a respondent over the age of 18.</p>
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Abuse

You will need to prove that the Respondent physically hurt you or put you in fear of being hurt by the Respondent. This means that the Respondent:

- Physically hurt you or attempted to physically hurt you;
- Made you reasonably afraid that you were going to be injured very soon; or
- Made you have sex against your wishes by using force or threats of force.

The Respondent must have done one or more of these things within the last 6 months. Any periods of time when the Respondent was in jail or prison or lived more than 100 miles from you do not count as part of the 6 months.

Testifying about the abuse may be very difficult. It may be helpful to practice with a supportive friend or advocate. You also may want to take a support person with you to the hearing.

Fear of Continued Abuse from the Respondent

- You must prove that you are in "imminent" danger of further abuse from the Respondent (you are scared of further abuse from the Respondent very soon without the restraining order).
- Your fear must be reasonable. This means that the judge must believe that a person in your situation might feel as you do. You need to explain to the court why you believe that the Respondent will hurt you if you do not have the Restraining Order.
- The fact that you are afraid the Respondent might take the children away is not a reason the law accepts for issuing or continuing an Family Abuse Prevention Restraining Order, but this fact may affect the type of parenting time the judge allows the Respondent.

WHAT TYPES OF EVIDENCE DO YOU NEED?

As mentioned above, you are the most important witness in your case. Be sure to include the following in your testimony:

1. Physical Abuse

This evidence should include the type of physical abuse that happened to you. If you were physically abused, you should tell the judge if the Respondent threatened to or actually:

- Hit or punched you;
- Shook you;
- Jerked or pushed you;
- Slapped you;
- Held you so that you couldn't leave;
- Bit you;
- Choked you;
- Shoved or threw you;
- Kicked you;
- Threw objects at you;
- Shot at you;
- Stabbed you;
- Pointed a gun or knife at you;
- Forced you to have sex.

You should also testify about abuse that happened more than six months ago, if it was very serious and helps you explain why you continue to be afraid of the Respondent. For example, the Respondent may have threatened and shoved you recently, but two years ago he pulled a loaded gun on you.

Sex by Force or Threats of Force

This evidence should include anything sexual that you did not want to do and that the Respondent forced on you or made you do. What you want to explain is why the Respondent gave you no choice but to do what he wanted. This might include telling the judge that the Respondent:

- Held you down to have sex or do a sexual act;
- Had a weapon in the bedroom;
- Threatened to hurt you or someone else if you did not do a certain sexual act.

2. Details of Abuse

You should provide the court with as many details as you can remember about abusive incidents such as:

- Dates of these incidents;
- Where the incident occurred;
- How you were injured (describe bruises, scratches, swelling, broken bones, black eyes, etc.);
- Whether you were pregnant at the time;
- Whether your clothes were torn;
- Whether there was any property damage (for example, hole in the wall, broken chair);
- Who saw or heard the incident happen;
- Whether a child saw or heard the incident;
- Whether you sought medical help;
- Whether the police were called;
- Whether the Respondent was arrested after the incident;
- Whether the Respondent was convicted of a crime for abusing you.

3. Fear of Further Abuse:

You must also explain to the judge why you fear further abuse by the Respondent. To help explain this you should tell the judge whether:

- The Respondent has been convicted of violent crimes (for example, assault or harassment);
- There have been previous Restraining Orders against the Respondent (protecting you or others) and whether the Respondent violated those Orders;
- The Respondent has threatened to hurt you;
- The Respondent abuses alcohol or drugs;
- The Respondent has access to weapons;
- You have had to hide from the Respondent and how many times;
- Whether you have had to do things to feel safe (for example, changing the locks on your doors).

4. Emotional Abuse and Threats

Emotional abuse itself does not qualify as "abuse" under the restraining order law. However, controlling or harassing things the Respondent has done can help the judge understand your situation. Tell the judge if the Respondent:

- Threatened to commit suicide;
- Took or threatened to take the children away;
- Reported you or threatened to report you to DHS (Child Welfare);
- Prevented you from getting or keeping a job;
- Denied you access to money;
- Called you names or put you down;
- Controlled what you do or who you see;
- Threatened to hurt your family or friends;
- Harassed your family or friends;
- Killed or threatened to kill a pet of yours;
- Cut off or threatened to cut off the utilities;
- Followed you or threatened to do so;
- Damaged or destroyed your property.

Other Witnesses

People who know about your situation are very important to your case. Try to find people who have personal knowledge about the things you need to prove. Personal knowledge means that the person saw or heard something directly. They cannot testify to rumors or opinions or to what other people told them (unless that person is the Respondent). Examples of good personal witnesses include:

- Someone who saw or heard the abuse happen;
- Someone who saw your injuries after an incident;
- Someone who saw you upset and crying just after an abusive incident;
- Someone whom you or the respondent told what happened. (For legal reasons, the judge might not allow testimony about what you told another witness of yours, but how you looked and sounded is something your witnesses can say. Your witnesses can always testify about what the Respondent said, as well as how he looked or sounded.)
- A police officer or sheriff who responded to the incident of abuse and saw your injuries (contact the police department or sheriff's office to find out how to get the police officer or sheriff to come to court.)

In addition, it is important to bring the most believable witnesses you can. People who are neutral are best (for example, your children's teacher, a neighbor, or a co-worker). You should bring anyone who can help the judge understand what has happened.

Be sure you know what your witnesses will say when they testify. You cannot ask someone to lie, but you can find out ahead of time what your witnesses will say. If their statements will hurt your case, don't use these witnesses. Be careful about using witnesses who have negative information about you or who have drug or alcohol problems, or prior convictions that the Respondent knows about.

Photos of Your Injuries

If you have photos of your injuries, someone will need to testify about when the pictures were taken, who took them, what they are pictures of, and whether they are a fair and accurate representation of your injuries. This testimony can come from you or from another witness who was present when the photos were taken. You must ask the court clerk to "mark" the exhibits and then you must offer them to the court. Example: "Your honor, I would like to offer this photograph as an exhibit."

Medical Records

You can try to bring medical records that you believe will be helpful to the judge. The judge may or may not accept the records as evidence.

Recordings and Letters or Cards

To prove that the Respondent abused you, you can play recordings (including voicemails) or show the judge cards, text messages or letters in which the Respondent threatened you or apologized or admitted to hurting you. If you want to use a recording, you should bring your own device to play the recording to the court. This could be your cell phone, answering machine, computer, or recorder.

You will need to testify that you recognize the voice on the recording or the handwriting on the letters or cards, and that the voice or handwriting is the Respondent's. Explain to the court that you have seen his/her signature or heard his/her voice many times before. Then you must offer these as exhibits to the court. Example: "Your honor, I would like to offer this tape recording as an exhibit."

Police Reports and 911 Calls

To obtain police reports or tapes of 911 calls, call the records department at the police station or sheriff's office that serves your area. Ask what the procedure is for releasing police reports. The judge may not accept police reports unless the police officer or sheriff is at the hearing.

HOW DO YOU PROVE THAT YOU SHOULD BE AWARDED CUSTODY?

NOTE: Custody and parenting time determinations in a restraining order are meant to be temporary and will last only as long as the restraining order lasts – usually one year. Talk to an attorney about how to obtain a long term, court ordered plan for custody and parenting time.

If the Respondent is contesting the custody provisions of your restraining order, you will need to explain to the court why you should continue to have custody of the children. A custody order is a judge's decision about which parent should care for the children. To make this decision a judge must consider what placement would be best for the children. The court will be interested in the following types of information when deciding where to place children:

The Emotional Ties of the Child to Parents and Other Family Members

You can show this by presenting testimony about which parent:

- Has a closer relationship with the children;
- Takes care of children during the day;
- Puts the children to bed at night;
- Feeds the children;
- Bathes the children;
- Takes the children to the doctor or dentist;
- Goes to parent/teacher conferences;
- Helps the children with homework;
- Has other family members with whom the children has a close relationship.

NOTE: Judges will usually try to keep brothers and sisters together, if they have been living with each other in the recent past.

The Parent's Attitude Toward the Children

The following factors can be used to show a parent's attitude towards the children:

- How a parent shows his/her interest in and concern for the children;
- The amount of time each parent spends with the children;
- Whom the children have lived with the most;
- Child abuse, including physical, sexual, and/or emotional abuse by one parent;
- Keeping or hiding a children from a parent;
- How a parent relates to the children.

The Parent's Criminal Record

- DUI (driving under the influence);
- Violent crimes (assault, harassment);
- Drug offenses;
- Child Abuse.

Whether One Parent Has Abused the Other

- Verbal and physical abuse, especially in front of the children.

The Parent's Emotional Stability / Substance Abuse

- Diagnosed mental illness that interferes with parenting.
- Drug or alcohol problems.
- Lack of control, frequent outbursts, and frequent loss of temper.

The Home Environment of Each Parent

- Where a parent lives;
- Who else lives in the home;
- Whether the home is safe;
- Whether the home is clean;
- Whether there is any drug/illegal activity in the home.

NOTE: In the event you do not keep custody of your children, you should be prepared to request the type of visitation you want.

WHAT YOU NEED TO SHOW ABOUT PARENTING TIME

You will need to tell the judge why you need to continue or change the parenting time (visitation) provisions in the restraining order that the Respondent is contesting.

If you are worried about the safety of the children during the time they are with the Respondent or if you are worried for your safety during or after parenting time exchanges, you can ask the judge to include safety provisions in the parenting time plan.

For example, you may ask the judge to:

- Prohibit the Respondent from using drugs or alcohol before and during parenting time visits;
- Require the Respondent to attend batterers intervention classes or drug and alcohol treatment classes;
- Require that parenting time visits be supervised by a supervised visitation center or responsible third party;
- Require anything else you think may be necessary for your safety or for the safety of the children.

NOTE: If there is not a way to protect you or your children and still have parenting time, it may be appropriate to ask the judge for an order of no parenting time. A judge will not make an order of no parenting time unless the judge thinks that this is the only way to keep you and the children safe.

For more information about parenting time in restraining orders, [click here](#).

WHAT DO YOU NEED TO SHOW IF YOU HAVE ASKED FOR EMERGENCY MONETARY RELIEF?

The court may order the Respondent to pay money to you or another party if the money would make you and/or your children safer. What is important to remember is that you must show that the money is closely tied to making sure you and your children are safe. Some examples are the cost of: changing your locks to prevent the Respondent from entering your home, moving to a safe location, or finding a new place to live.

WHAT DO YOU NEED TO SHOW IF YOU HAVE ASKED THAT THE RESPONDENT NOT BE ALLOWED TO HAVE GUNS?

The Respondent may try to argue that he/she should be able to keep guns, rifles or other firearms. If the Respondent makes this argument, explain to the judge why you think the firearm puts your safety at risk. For example, if the Respondent has used the gun to threaten you, let the judge know.

If you are concerned that the Respondent will not get rid of his/her firearms even if the judge keeps this part of the order, explain that and ask for further orders from the judge. For example, you can ask for a specific time and place that Respondent is to deliver the firearms, a requirement that the Respondent give a signed receipt to the judge from the person who he/she gave the firearms to, or a follow-up hearing to make sure the firearms are out of the Respondent's reach.

Whether or not the judge makes an order about the firearms, Respondents who still have guns, rifles, other firearms or ammunition after a contested restraining order hearing may also be committing a federal crime. For more information about firearms laws and safety planning: ([firearms brochure link](#)).

WHAT ELSE DO YOU NEED TO KNOW?

- Avoid bringing your children to court. If you have to bring your children, arrange for a friend or relative to sit outside the courtroom with your children. You may want to pack a bag with toys and snacks.
- Do not bring knives, guns, mace, or pepper spray into the court building.
- Do not bring food or drinks into the courtroom.
- Do not chew gum in the courtroom.
- Do bring friends, advocates, and relatives with you for support, but ask them to avoid talking to the Respondent or the Respondent's witnesses
- Do not bring anyone who might "confront" the Respondent.
- Ask the court to order the Respondent to remain in the courtroom for 15 minutes to allow you and your witnesses to leave.
- The restraining order is only a piece of paper. Call 911 if the Respondent violates the restraining order.
- Take time to plan for your (and your children's) safety. Please take a few minutes to review the attached Safety Plan and think about what you can do to ensure you and your children's safety.
- If your restraining order is dismissed, you have the right to file a new if the respondent takes new actions to abuse or threaten to abuse you.
- If your restraining order is dismissed and the Respondent is doing something that makes you feel unsafe, you should call 911.

Modification Post-Hearing

At any time after a restraining order is signed by the judge, you or the Respondent may still ask the court to change or remove those terms involving:

- Custody and parenting time;
- Respondent's removal from the house;
- Restrictions on Respondent's presence at certain place;
- Contact between the Respondent and you.

The party who wants to make a change must file paperwork at the courthouse. If you ask for a change that removes or makes less restrictive the terms of the order, other than custody and parenting time of the children, the judge may sign an order changing those terms without setting a hearing. Otherwise, the judge will set a hearing to hear from both the Petitioner and Respondent.

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