

**IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA**

_____, §
PLAINTIFF, §
vs. § **CIVIL ACTION**
_____, § **FILE NO.** _____
DEFENDANT. §

FAMILY VIOLENCE EX PARTE PROTECTIVE ORDER

The Plaintiff having prayed pursuant to O.C.G.A. §§ 19-13-1 et seq., that a Protective Order be issued; and alleged that Defendant has committed acts of Family Violence and that Plaintiff is in reasonable fear of the Plaintiff's safety and the safety of Plaintiff's child/ren; and it appearing to the Court that probable cause exists that family violence has occurred in the past and may occur in the future, **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. That a copy of this Order be given to the Hall County Sheriff's Department and the Defendant be served with a copy of this Order and Petition for Temporary Protective Order instant.
4. **That the Defendant appear before this Court on the _____ day of _____, 2008, at _____ m. in Magistrate Courtroom # 2 on the second floor of the Hall County Courthouse in Gainesville, Georgia to show cause why the requests of the Plaintiff should not be granted.**
5. That the Defendant is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act of injury, maltreating,

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molesting, following, harassing, harming or abusing the Plaintiff (and/or the minor child/ren) in any manner. Defendant is not to interfere with Plaintiff's travel, transportation, or communication. Defendant shall not follow, place under surveillance, or contact the Plaintiff at any place of the Plaintiff for the purpose of harassing and intimidating the Plaintiff.

6. That the Defendant is enjoined and restrained from doing or threatening to do any act of injury, maltreating, molesting, harassing, harming, or abusing the Plaintiff's family or household.
7. 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 the Defendant be given reasonable notice and opportunity to be heard sufficient to protect the Defendant'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 if an Order of the enforcing state or jurisdiction.

ONLY THE FOLLOWING THAT ARE INITIALED BY THE JUDGE SHALL APPLY

- _____ 8. That until further Order of this Court, Plaintiff is awarded sole and
pco 03 exclusive use of the family residence at _____
_____.
- _____ 9. That the Defendant is ordered to leave the family residence immediately and the Sheriff of Hall County is ordered to assist the Plaintiff in returning to the family residence and the removal of the Defendant. The Defendant is to immediately surrender to the serving officer all keys, garage door openers, and other security devices to the family residence and law enforcement is to insure that these are given to the Plaintiff.
- _____ 10. That the Defendant is ordered to provide suitable alternate housing for Plaintiff and/or Plaintiff's children by _____.
- _____ 11. Plaintiff's address is ordered to be kept confidential.
- _____ 12. That the Defendant is ordered to stay away from the Plaintiff's and/or the
pco 04 Plaintiff's minor child/ren's residence at _____
_____ and workplace at _____
_____ or school and any subsequent residence or workplace or school of Plaintiff and/or Plaintiff's minor child/ren.

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_____ 13. That until further Order of this Court, the Defendant is enjoined and
pco 01 restrained from approaching within 500 yards of the Plaintiff and/or the
pco 04 Plaintiff's minor children.

_____ 14. That the Defendant will have absolutely no contact with Plaintiff. No
pco 05 contact includes, but is not limited to, no direct or indirect contact, no
incidental or accidental contact, no contact or attempted contact by
telephone, no contact or attempted contact by mail, e-mail, fax, or any
other means of communication and no contact by third parties on behalf of
the Defendant.

_____ 15. That the Plaintiff is awarded temporary custody of the minor child/ren,
pco 09 namely:

_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____
_____	DOB _____	sex _____

Defendant is ordered not to interfere with the physical custody of the
minor child/ren and **is to have no contact with the minor child/ren until
further order of the Court.**

_____ pco 06 Check here ***only if Defendant*** is awarded temporary custody of child/ren.

_____ 16. That the Defendant is to pay temporary child support for the minor
child/ren to the Plaintiff in the amount of \$ _____ every _____
beginning _____.

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

_____ 17. That the Defendant is ordered to pay temporary support for the Plaintiff
in the amount of \$ _____ every _____ beginning _____.

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

_____ 18. That the Defendant, *only if accompanied by a law enforcement officer*,
shall be able to remove his/her clothing and personal items from the
residence as follows:

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On _____, 20__ at _____ m.

As arranged with the Hall County Sheriff at 770-531-7090 Mon. – Friday.

____ 19. That the Defendant is 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 Plaintiff or joint property or pets of the parties except in the ordinary course of business including the closing of any joint bank accounts.

____ 20. That the Defendant is ordered not to disconnect or have disconnected the home utilities, change or have changed and/or cancel or have canceled auto, health, or life insurance for Defendant, Plaintiff, and/or the Plaintiff's minor child/ren or interfering with Plaintiff's and/or Plaintiff's child/ren's mail.

____ 21. That the Plaintiff is given temporary sole possession of the vehicle: Make _____ Model _____ Year _____ Color _____. The Defendant shall immediately surrender all keys, proof of insurance, and registration to this vehicle to the serving officer whereupon law enforcement shall immediately turn over said items to the Plaintiff.

____ 22. That the Plaintiff shall be allowed to remove the following property from the family residence for Plaintiff's (and/or Plaintiff's minor child/ren) use:

and the Hall County Sheriff is hereby ordered to assist the Plaintiff during this removal.

____ 23. That the Defendant shall be required to return the following property for Plaintiff and/or Plaintiff's child/ren's use: _____

on _____, 20__ at _____ m. and the Hall County Sheriff's Department is hereby ordered to assist the Plaintiff with this return.

____ 24. It is further Ordered: That this Order shall serve as notice to the Hall County Sheriff or any other appropriate law enforcement officer that the Defendant's return to the Plaintiff's residence or going to her/his place of work shall be grounds for the immediate arrest and incarceration, without bond, of the Defendant, charging the Defendant not only with misdemeanor Violation of Domestic Violence Order pursuant to O.C.G.A. § 19-13-6(b) but the Defendant shall be charged with Aggravated Stalking pursuant to O.C.G.A. § 16-5-91 (b)

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when such person, *in violation of a Temporary or Permanent Protective Order prohibiting this behavior* follows, places under surveillance, or contacts the Plaintiff at or about a place or places for the purpose of harassing and intimidating the Plaintiff.

The Sheriff of Hall County, his lawful deputies, the officers of the City of Gainesville Police Department, and all other law enforcement officers are authorized and directed to enforce this Order, if necessary, by incarcerating without bond the Defendant for any violation of any term or condition of this Order until further order of the Court.

Further: The Defendant is to immediately surrender to law enforcement any guns (or facsimile of a gun that would cause harm to an individual) owned by the Defendant or in the actual or constructive possession of the Defendant regardless of ownership of the same. Failure of the Defendant to surrender such weapons will authorize law enforcement to arrest and incarcerate without bond the Defendant until further order of the Court. Based upon the evidence presented to the Court, this term and condition of this Order authorizes law enforcement to search the Defendant or any area under the control of the Defendant for the sole purpose of locating and taking custody of weapons.

Upon seizing and taking custody of any weapons, law enforcement is ordered to surrender said weapons to the property and evidence officer of the Hall County Sheriff whereupon it is ordered that said weapons be held and stored under the above-captioned and numbered case until further order of this Court.

SO ORDERED, this _____ day of _____, _____.

JUDGE
HALL COUNTY SUPERIOR COURT
NORTHEASTERN JUDICIAL CIRCUIT

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NOTICE TO DEFENDANT

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, follows, places under surveillance, or contacts another person at or about a place or places for the purpose of harassing and intimidating the other person. This activity can subject the Defendant to arrest and prosecution for felony Aggravated Stalking which carries penalties of imprisonment for not less than one (1) year nor more than ten (10) years and a fine of up to \$10,000.00.**

DEFENDANT IDENTIFYING FACT SHEET

Defendant's Social Security Number: _____
Date of Birth _____ Color of Hair _____ Color of Eyes _____
Height _____ Weight _____ Race _____ Ethnicity _____ Sex _____
Address _____
Place of Employment _____
Works from _____ to _____ on (days) _____
Defendant has distinguishing marks (tattoos, scars, etc.) _____
Vehicle _____ Tag No. _____ Driver's License No. _____

PLAINTIFF'S IDENTIFYING INFORMATION

Protected parties: _____ DOB _____ sex _____ Race _____
_____ DOB _____ sex _____ Race _____
_____ DOB _____ sex _____ Race _____
_____ DOB _____ sex _____ Race _____
_____ DOB _____ sex _____ Race _____
_____ DOB _____ sex _____ Race _____

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Pursuant to O.C.G.A. Section 19-13-3
Plaintiff assisted by:

Name: Legal Advocates
Address: Hall County Courthouse
Gainesville, GA 30501
Telephone: 770-531-7153

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 specific provisions, please initial in the space provided. The Court should delete or otherwise make inoperable 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.

Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

NOTICE

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TO THE PARTIES INVOLVED IN THIS CASE

If a Family Violence Ex Parte Protective Order or Family Violence Protective Order has been entered in your case, which directs and authorizes law enforcement to seize guns or weapons, then law enforcement will take custody of these items. Any guns or weapons seized by law enforcement pursuant to court order will be stored in the Property and Evidence Room of the Hall County Sheriff, the Dawson County Sheriff, or the Gainesville City Police Department. The seized guns or weapons will be retained by law enforcement until a written court order is entered releasing the same to the appropriate party. If any of your guns or weapons are seized by law enforcement pursuant to court order, it will be your sole responsibility to file a written **DEMAND FOR RETURN OF SEIZED GUNS OR WEAPONS** with the Clerk of the Superior Court for Hall County or Dawson County in the appropriate case. A photocopy of the written DEMAND FOR RETURN OF SEIZED GUNS OR WEAPONS must be served by mail upon Ms. Carol Campbell at P.O. Box 2962, Gainesville, Georgia 30503.

Unless extended by a court order, generally a Family Violence Ex Parte Protective Order or Family Violence Twelve Month Protective Order entered under the Family Violence Act as codified in O.C.G.A. Section 19, Chapter 13 expires as a matter of law after the passage of twelve (12) months from the date of the last order entered in the Family Violence Act case. It will be your sole responsibility to demand a return of any of your guns or weapons by following the procedure described above. **You may file a written DEMAND FOR RETURN OF SEIZED GUNS OR WEAPONS at any time during the pendency of your case. However, you must file a written DEMAND FOR RETURN OF SEIZED GUNS OR WEAPONS within thirty (30) days of the closure of the Family Violence case or within thirty (30) days of a Permanent Protective Order being entered within which you were a party.** Your failure to file a written **DEMAND FOR RETURN OF SEIZED GUNS OR WEAPONS** in a timely fashion will result in any seized guns or weapons being considered by the Court as abandoned and thus subject to forfeiture and sale or destruction by the Hall County or Dawson County Sheriff.