

What Must I Be Prepared to Tell the Judge at the Final Restraining Order Hearing?

At the final hearing tell the judge in detail what the defendant did to you that caused you to file for a Final Restraining Order (FRO). Tell the judge if the defendant hit you, pushed you, etc., and what, if any, injuries you suffered. Also tell the judge if they threatened you, stalked you, or harassed you. If you are afraid of the defendant, tell the judge why you are fearful. Tell the judge about the other times when the defendant hurt you, or made you afraid, or threatened you in any way. Tell the judge if the defendant owns any weapons, even if they have never used them against you. You should also tell the judge if your children witnessed the abuse or were abused by the defendant themselves.

It is helpful if you bring evidence to help support your claims of abuse. You should bring:

- Witness to the abuse (not a letter from the witness)
- Medical reports
- Police reports, present and past
- Telephone or email messages
- Photographs of injuries

You should also tell the judge that you need support from the defendant, if they have an obligation to support you and your children. You should bring the defendant's pay stubs and your own employment pay stubs or other proof of income, including recent tax returns, W-2s and social security statements which can be particularly useful to show the defendant's income.

What Kind of Relief (Help) Can I Seek in the Final Restraining Order?

The FRO can provide several kinds of help, some concerning your safety and some concerning your practical needs and arrangements.

In terms of your safety needs, the FRO should say that the defendant:

- Is prohibited from committing future acts of domestic violence against you.
- Must stay away from you (usually established as a certain distance from your residence and place of work).
- Is prohibited from contacting you (in person, by phone or in writing) or from contacting others that you specify, such as friends or family.
- Will have any weapons confiscated from them.

In terms of living arrangements and practical needs, you may request that the judge include in the FRO:

- You, as the victim, are granted possession of the house.
- You are granted temporary custody of the children.
- The defendant must pay ongoing support to you and/or the children (as appropriate, to be established by the court's child support intake unit).
- The defendant must pay basic financial needs (rent/mortgage payment, day care, etc.) as well as emergency expenses (medical bills, car repairs, etc.)
- You are given possession of specific property, such as a car.

Continued: In terms of living arrangements and practical needs, you may request that the judge include in the FRO:

- The defendant must pay other compensation such as medical costs, health or car insurance, legal costs, etc.
- When and how the police must accompany the defendant back to the residence to pick up their possessions.

In terms of the needs regarding the children, if there are any children between the partners, the FRO can include:

- Arrangements for visitation by the non-custodial parent that are appropriate for the children and provide for the safety of the person experiencing abuse. You may ask the judge to order supervised visitation of the children by the court or by a third party if you are concerned for the safety of the children. You should explain your concerns about the children's well-being to the judge. In certain cases, you may ask for supervision of all visitations pending an investigation of the defendant's ability to parent, particularly if they have a serious substance abuse problem or have physically abused the children.
- Risk assessments, if requested by the victim, to evaluate the safety of the children during visitation with the defendant.

In terms of treatment for the defendant:

- The judge may order the defendant to enter an abuse intervention program, a substance abuse treatment program, or get other appropriate counseling.
- The FRO may provide a way for you to discuss the issues concerning the children with the other parent directly (for example, email or text messaging) or through a third party.

**Taken from Surviving Domestic Violence: Your Legal Rights
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