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What is a Restraining Order?

A restraining order or protective order is an order used by a court to protect a person, business, company, establishment, or entity, and the general public. This requires the individual to either do, or not do a specific act. Failure to comply is a violation of the order that can result in the arrest and prosecution of the offender. Violations in some jurisdictions may also constitute criminal or civil contempt of court. Not all restraining orders are the same; each one achieves a different purpose. Below we will discuss the most common ones.

- 1) Emergency Protective Order:** Protects victims of abuse, serious harassment, or stalking. An emergency protective order is available 24 hours a day from the police. These orders go into effect immediately. They usually expire in less than a week.
- 2) Domestic Violence Restraining Order:** Protects individuals from family members, spouse or former spouse, parties that have a child together, or parties that have a current or past dating relationship. Domestic orders differ from Emergency Restraining Orders and Temporary Restraining Orders in that domestic orders usually last longer and can be renewed.
- 3) Civil Harassment Restraining Order:** Protects individuals from others than those listed in a Domestic Violence Protective Order. Available when you've been threatened, stalked or abused by someone other than a person with whom you have a close relationship, including roommates, neighbors and strangers, however the standard is typically higher and more difficult to obtain than a Domestic Restraining Order.
- 4) Elder and Dependent Adult Abuse Restraining Order:** Protects elders and dependent adults from physical and financial abuse, neglect, isolation, abduction, harm, or deprivation by a caregiver and/or family member.
- 5) Workplace Violence Prevention Restraining Order:** Protects employees from workplace violence. An order to protect an employee at a workplace from violence, this order can force an individual not to threaten, harass, or contact an employee. The individual will also be forbidden from carrying a firearm.
- 6) Criminal Restraining Order:** Protects victims and witnesses from the defendant in a criminal case.
- 7) Juvenile Restraining Order:** A Juvenile Restraining Order is a court order to protect a person suffering unlawful violence or credible threats of violence from a juvenile under the age of 18.
- 8) Temporary Restraining Order:** When you go to court to ask for a domestic violence restraining order, you fill out paperwork where you tell the judge everything that has happened and why you need a restraining order. If the judge believes you need protection, he or she will give you a temporary restraining order. Temporary restraining orders usually last between 20 and 25 days, until the court hearing date. It is helpful to retain legal council such as Madison Law, APC to assist you with the process of filing out the paperwork.



Madison Law, APC offers a variety of family law and criminal services. We believe that working closely with our clients throughout the restraining order process is essential to avoiding mistakes, and ensuring the successful completion of an application.

If you are in need of any family law or criminal services, please contact our office for your free consultation:

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