

All About...

RESTRAINING ORDERS

By

O'Connor Family Law





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AN OVERVIEW

A Restraining Order's purpose is to protect someone who is suffering from abuse or the threat of abuse by someone else. Restraining Orders may also be referred to as "209A Orders" or "Abuse Prevention Orders." These types of orders are generally issued out of either District or Probate and Family Court, although they can be obtained from a local police department outside of business hours.

A Restraining Order is not a criminal charge; it is a civil order. However, if the terms of the Restraining Order are violated, then that violation can result in a criminal charge. So, having a restraining order against you is a big deal for most people.

There needs to be a relationship between the Plaintiff (the person who filed for the Order) and the Defendant (the person who was served the Order) for the Restraining Order to issue. This means that the two people are or were married, lived (or are living) together (even if not in a per se relationship), in (or were in) a substantive dating or engagement relationship, are related by blood or marriage, or they have a child together.

There must be some form of abuse in order for a Restraining Order to be issued. Abuse is defined, for purposes of these orders, as physical harm, attempting to cause physical harm, placing someone in fear of imminent and serious physical harm, or causing someone to engage involuntarily in sexual relations.

A THREAT OF A PROTECTIVE ORDER

Arguments happen during the course of a relationship. In healthy relationships, the arguments are resolved through effective communication that works to resolve the issue, whether by finding a solution to a problem, or even by acknowledging fault and accepting responsibility. This is a skill that needs to be learned, and it doesn't come naturally. As humans, we have a compelling need to try and win an argument, and that can lead to negative outcomes. This can be even worse when one (or all) of the people involved in an argument aren't experienced in constructive argument and resort to behavior or actions with potentially harmful consequences.

One such example is the willingness to utilize a Restraining Order as leverage for a behavior modification. Generally, when someone threatens another person like this, it's to try and intimidate or otherwise coerce them into a more desirable behavior.

There can be other reasons for threatening a Restraining Order, but you still need to take pause and think about the short and long term consequences of what this means. The bar for getting a restraining order is low, relative to getting one extended, (more on that in a minute) and can cause significant disruption in your life. If someone threatens to get a Restraining Order against you, you must proceed with caution and try to prevent it from happening.

First, is anything you're doing potentially behavior that could support a restraining order? Everyone knows that aggressive, physical contact (like punching or

tackling) are all actions that would typically be looked at as abusive.

However, there are other actions that can be considered abusive or threatening that are very easy to dismiss as non-confrontational, not abusive, or not threatening.

For example, if you are in an argument and the other person asks you to leave them alone but, instead, you follow them around from room to room, demanding that they talk to you - that could be considered harassing behavior. If you are yelling at another person, and you get so close to them that they can feel your breath on their face, or can feel spit hitting them, that will likely be considered threatening behavior. You also can't direct any aggressive or threatening behaviors at other people or objects. Punching walls, pushing over furniture, throwing objects - these are all likely to be considered behaviors that can support a restraining order.

Even passive or less aggressive behaviors can be viewed as hostile and support a restraining order. A good example of a passive behavior that is considered threatening is blocking an exit or means of egress. If you create an environment where you have direct control over someone's ability to leave, such as standing in the only doorway or standing over them in a corner, that is largely considered hostile or abusive behavior. Even if you don't directly prevent them from leaving, your body language, tone of voice, position in the room, etc. can create the perception of aggression and hostility.

If you are making any threats, you will want to stop that as well. "I'm so mad I could kill you" can be used to satisfy the burden necessary to get a restraining

order. Repeatedly calling or texting someone over and over and over and over with no or very little response could help to show that you're exhibiting erratic behavior. Putting any sort of tracking device on your partner because you believe they are cheating on you may be something people would understand, but in Court, it could be enough to show that you do not respect personal boundaries if coupled with any other sort of threatening or abusive behavior. Even an unwanted hug or what some people would consider "makeup sex" could be used to allege you are physically or sexually abusive if not completely agreed to by the other side.

In other words, if you have received a threat of a restraining order, you need to reevaluate your relationship to see if it's one that you should actually stay in. The threat of a restraining order should be the first clue that there is something in your relationship that is not healthy. If you decide to stay in that relationship none-the-less, you need to proceed with absolute caution being aware that anything you say or do could potentially be used against you.

We have seen too many people think it's just an empty threat or not take that threat serious, but then ended up with Domestic Assault and Battery charges in criminal court and a contemporaneous Restraining Order in the near future. Any threat needs to be taken seriously.

Beyond circumstances where a restraining order may be warranted, there are times when they are used as a threat or manipulation tactic to try and direct behavior. We will be abundantly clear - this type of behavior and manipulation is a form of abuse. The person issuing the threat is attempting to use coercion and the threat of a restraining order - something that may hurt

the other person financially, emotionally, or otherwise - to get what they want.

This is a major red flag, and indicates that a change in long term perspectives need to be made. Specifically, you should be seeking to end the relationship as soon, and as safely, as possible. This type of situation will only get worse; it never gets better. We see this often when one person wants money or control over children or they want to remain in the home when you're talking about breaking up.

Regardless of how it happens, if someone threatens to get a Restraining Order against you, THAT is the time to call and talk to a lawyer about steps you might need to take to help protect yourself.

WHEN THEY KNOW HOW TO PUSH YOUR BUTTONS

Being in a relationship can be really great in so many ways. You learn everything there is about the other person - their strengths, their weaknesses, what makes them happy, what upsets them, and, also, what makes them really angry. You know them inside and out. You trust them. You tell them your secrets. When someone is manipulative, they have no problem doing things that get under your skin and makes you angry, and they freely use your secrets against you if it gives them more control or leverage. And when that manipulative person knows exactly what to say, how to say it, or what action makes a switch flip in you so you just see red, they can easily then play the victim if the situation gets out of hand.

I want to be very clear here - flipping out or acting inappropriately because your partner or family member knew how to get you mad is NOT an excuse for any wrongdoing. The Court absolutely will not agree with a defense that abuse happened because your partner knew what to say to get you mad. It doesn't matter how much it may feel like they deserved it or how upset you are, you are responsible for your own actions and the consequences of your own behavior. If you know that you struggle with outbursts, or have a tendency to find your temper lands you in trouble, then the best decision may be to get out of the relationship and find professional help. Sometimes the best thing we can do for ourselves is to develop new tools that will help deal arguments and fights more effectively.

The ability to de-escalate a crisis so it doesn't rise to a level where you're later getting hauled out of your home in handcuffs is an invaluable life skill.

THE PROBLEM WITH "PROOF"

The problem with claims of abuse is that abuse almost always happens behind closed doors. This means there are not usually witnesses to the events leading up to the restraining order request and, unless there are physical injuries, there usually isn't a lot in the way of "proof" that abuse or the threatening behavior actually occurred. Obviously, that is not always the case when an argument or physical altercation breaks out in public, but, for the most part, the arguments that lead to confrontation typically happen in the privacy of a home where no one else is around.

A push does not always leave a mark. A threat of physical abuse is not always recorded. No one may

witness tears roll down a victim's face as they are forced to have sex. This takes the person suffering the abuse needing to be willing to share very private (and often embarrassing) stories about their intimate life within the public setting of a courtroom to a Judge and other strangers listening in to obtain the restraining order. Make no mistake - this is very hard for many people.

What a Judge needs to hear to decide whether to grant the restraining order usually simply comes down to what is said within the Affidavit and the Plaintiff's statements to the Court. There is no hard evidence needed to substantiate claims. There is no need to be able to prove beyond a reasonable doubt that the abuse occurred. The standard applied is a lesser standard called "the preponderance of the evidence." Who knows what that means though, right? Let's try to explain.

The standard applied within criminal charges is beyond a reasonable doubt. Most people are familiar with what this burden of proof means - that there can be no doubt left in your mind that the defendant committed the crime as alleged at the conclusion of the trial. It's a fairly high burden because the Jury or Judge cannot be left thinking, "Maybe they didn't do it." However, the standard of "preponderance of the evidence" is much lower. It essentially means that there is a chance that is 51% or greater that the defendant committed acts or behaved in such a way to support the issuance of a restraining order. In other words, it's more likely than not that the Defendant acted as alleged.

And that proof can come simply by what the Plaintiff writes in his or her affidavit or states to the Court. There does not need to be additional evidence of any kind presented to back up any allegations. The problem

with this is that, as we've discussed with manipulative people, they often do not mind lying, twisting, or exaggerating about a story to be able to get their way. Proving that something did not happen can be very difficult.

We have represented many people who are suddenly served with a Restraining Order within hours of the Defendant serving the Plaintiff with a custody or divorce case. We have represented many people who are served with a Restraining Order as soon as the other person hears that the Defendant wants to get a divorce, break up, or get custody of the kids. We have represented many people who are on the receiving end of a Restraining Order, not due to a true fear or because of an actual physical altercation, but because the Plaintiff is spiteful or vindictive. Unfortunately, due to the lower standard of proof, their allegations of abuse are often enough for the Restraining Order to be extended.

This is why it is important to get a lawyer to defend you within a Restraining Order hearing as soon as possible.

AFTER YOU'VE BEEN SERVED

There are times you might know a Restraining Order is coming your way due to threats by the person obtaining the Order. Other times, you could be served with no prior indication or heads up that someone else has requested the Restraining Order. How you react when getting served is important because if you get angry or aggressive in anyway, you better believe that will be in a police report and used against you at the hearing.

A Restraining Order can order a number of different things, depending upon what the Plaintiff has requested and what the Judge has deemed appropriate. Often, the police officer will briefly describe what the Order prohibits you from doing. A Restraining Order will typically prohibit you from contacting the Plaintiff, it will order you to not be near the Plaintiff within a stated distance, it will order you to vacate and not go near the home where the Plaintiff lives, where the Plaintiff works, or anywhere else the Plaintiff might regularly be. If you have children, a Restraining Order may include your children and automatically give the Plaintiff sole legal and physical custody of the children and prohibit you from being able to see them.

When you're served with a Restraining Order, if you are being ordered to leave your home, you will likely have between 10-15 minutes to get some of your basic personal belongings. If the Restraining Order was obtained outside of regular business hours, your court hearing will likely be scheduled for the next business day; however, if obtained during business hours, the hearing will not likely take place for approximately ten days. You need to take the items you will need during this time plus for at least an extra week or two if it gets extended in case you cannot get back into the house right away to obtain additional belongings. This is not the time to start packing up furniture or major items, but you should take anything with you that is extremely important to your health, your job, or your case.

Personal items such as clothes, hygiene items, laptops, cell phones and chargers, a suit for court (or a nice outfit you would wear to a funeral if you don't have a suit), your wallet and credit cards (you're likely going to have to rent a hotel room if you don't have a family

or friend's house to stay at for a while), financial documents that are important to you, your passport, social security card, etc., and any medication that you need to take. Those are things the officer will likely give you time to gather IF you get moving on gathering these items right away. The longer you take to process everything or if you're rude, aggressive, or combative, the more likely the officer will tell you that you need to wrap everything up quicker and get out of the home.

At this point, the officer is not going to care about your side of the story or your guilt or innocence. If there is a valid Restraining Order, their job is to serve you and get you out of the home if applicable. The nicer you are to the officer, the more likely it might be that they give you a little more time to gather your belongings

If the home or lease is in your name only, there is no point in arguing with the officer that you shouldn't have to leave. A Restraining Order CAN kick you out of a home that is in your name only if the Plaintiff lives there. Arguing with the officer will only eat up time that you really need to make sure you have everything that you need.

HIRING A LAWYER

Once you are served with a Restraining Order, gather the belongings you need if you need to leave your home, and figure out where you're going, your next call should be to an attorney. You only have ten days at most to prepare for your only real shot at getting the Restraining Order overturned - and that is not a lot of time.

You have ten business days before your next hearing; 240 hours. Of those 240 hours, most attorneys are only going to be directly working on client cases for about 80 of them. Even if they are working after business hours close, they have other, non-client related obligations to take care of from research to continuing education that need to be attended to. Of those 80 hours, the workload of your eventual attorney must be prioritized and balanced against the needs of any other cases they are assigned.

Of course, a more time sensitive issue like a Restraining Order is likely to be pushed to the top of the pile, but all this is to illustrate a point: You don't have a lot of time to waste waiting to decide whether or not you want to proceed with hiring an attorney.

Any attorney worth their salt will be able to build a strategy and defense for you in the ten-day window, but the longer you wait, the less time they have to make sure all your details are covered. Too often, we have clients come to us with only a day or two until their hearing looking for our help and we have to turn them away because there's nothing we can do in the time we were given.

You basically get one chance, and it can be difficult to prepare an adequate defense within an extremely short time period. Getting an attorney on board as early as possible to come up with a defense strategy is incredibly important

Depending on the strength or weaknesses of your case, it also might be a wise strategy to ask for a short continuance if there is evidence you need to gather to

produce at the evidentiary hearing that you wouldn't have in time for the scheduled hearing. This is tough because no one wants to be out of their home longer than necessary; however, if the Order is extended, it will usually be extended for a one-year time period. Remaining out of your home for an extra week or two to allow for your best chance for the extension request to be denied might be worth it in the long run.

YOUR NEXT COURT HEARING

The next Court hearing is your chance to defend yourself against the allegations made. If you did anything that is or could form the basis of a criminal charge, you may need to think twice about whether you are going to testify, agree to extend the Order voluntarily, or simply attempt to attack the credibility of those allegations without your testimony. If you testify, anything you say could potentially be used against you in a pending criminal case or result in new criminal charges against you. You have the right to not testify at a hearing under the Fifth Amendment so that you do not incriminate yourself. This is an area where it is extremely important to consult with an attorney so that you don't end up committing an unforced error that damages your outlook.

Regardless of what you expect to happen, you should ALWAYS go to the hearing. Even if the plan is to voluntarily extend it, you should still attend because you can still ask the Judge to modify some of the terms of the Restraining Order. For example, you will likely need to ask the Court to check off the box that allows you to return to your residence with a police officer to obtain additional belongings. If the Restraining Order

is extended for a year, that is a year that you will not be allowed back in your home. In most cases, access to your home to collect your belongings will not be allowed unless you specifically ask for it. Another example would be if you have two homes and the Plaintiff is staying in one of the homes, you can ask the Judge to specifically allow you access to the other home. This would prevent the Plaintiff from just showing up at that home and you having to leave. If you have children and they are named on the Restraining Order, you may be able to have the Court either take them off the Restraining Order or provide for ways for you to contact or see your children until you can get into Probate and Family Court.

Always check the Restraining Order for the place, date, and time of the next hearing. If you were served outside of regular business hours, that means that the Plaintiff likely applied for a Restraining Order at a police station and obtained it on an emergency basis. This means you are likely to have a hearing the next business day. An exception to this would be if the Restraining Order was obtained earlier in the day but the police were not able to serve it until later or they have been unable to locate you. In this type of situation, the Plaintiff needs to go to the courthouse and essentially re-apply for the Restraining Order through the Court, so it can take a little longer in relation to how long you are likely to be sitting in court before your case is heard.

If the Restraining Order was obtained directly from the court during business hours, then you will likely have an extension hearing in approximately 10 days from the date that the Order was first issued. Although it's

obviously not ideal to have a restraining order against you, the ten days at least gives a little more time to prepare a proper defense.

Regardless of the format of your hearing - whether it's in person or virtual - you be at the location you will be participating from at least 10 minutes before the time that is listed on the Restraining Order. If the hearing is in person, that means you must be at the court house listed on the Order. If it is virtual, or you have permission to appear remotely, then you must be at your computer, or approved device.

Some courts will want your attorney to check in beforehand; others will go through a process of "calling the list." Typically, the court will start with criminal cases before moving on to Restraining Order issues. Once they call your case, you will move forward toward the Judge and stand where the court officer directs you. If your hearing is virtual, you will be placed in a virtual waiting room until the court opens the video conference for you. In either case, if you are not present when your name is called, the hearing may proceed without you. Once you arrive at the court house, you need to be prepared to be there all day if necessary - so make sure you arrange a sitter if you have kids.

The hearing can be run in one of two ways. First, the case could be presented through oral arguments by each side. This means that the Plaintiff will be able to just simply tell the Judge why they want the Restraining Order to be extended. Once they are done, you or your attorney will be asked to respond to the allegations as well as to add anything relating to why the Restraining Order should not be extended. This is the simplest way for the hearing to be conducted, but it will not protect you on appeal if you disagree with the Judge's decision.

The more formal process, and the one that must be undertaken in order to reserve your right to an appeal, is to have an evidentiary hearing. Similar to above, the Plaintiff will go first within a "direct examination." If the Plaintiff has an attorney, the attorney will question the Plaintiff. If the Plaintiff does not have an attorney, then the Judge will either ask some questions or allow the Plaintiff to simply tell their side of the story. After the Plaintiff has concluded with their testimony, you or your attorney will have the opportunity to conduct "cross-examination." This means that you can ask the Plaintiff questions to try to show that what they have claimed is not true, that there might be a motive underlying the request for the Order that is not a legitimate reason for the Order to issue, or that they are not reasonable within their request. There are a number of different strategies when it comes to conducting a cross-examination.

Once the Plaintiff's direct and cross examinations are completed, the Plaintiff can call any other witnesses he or she may have and each will have to go through their own direct and cross exam. Once the Plaintiff "rests" (meaning they have no other witnesses), you will have your opportunity to call any witnesses (yourself included) within your defense. Each witness you call will also have the opportunity to undergo a direct and cross examination. As you are the defendant, you do not have to call anyone, but most people do to help clarify their side of the story.

Once the defense rests, the Judge will often allow each side the opportunity to make their "closing arguments." This is when the testimony gets summarized in relation to the legal standards necessary to obtain the

Restraining Order. The Plaintiff will argue that they met their burden of showing why the Restraining Order should be extended, while you will argue that the Plaintiff did not meet that burden and/or that the evidence showed that the Plaintiff is not credible (truthful) or had some other motive that should not support the extension.

Although with virtual hearings, some Judges have taken the matter under advisement and issued a decision later in the day. Usually, you will find out what the Judge is going to do immediately after the closing arguments.

If the Judge says that they are going to extend the restraining order, it is so important that you do not react negatively. Is it bad news for you? Of course, but the last thing you want is the Judge remembering you blowing up and yelling or threatening them when you come into court the next time.

Unfortunately, many Judges will "err on the side of caution" when deciding whether a Restraining Order should be granted or not and have a tendency to extend them unless good cause is shown not to. Although some people might understand this, legally, it is not fair because of the harsh penalties that carry with any potential violation of the Order. This is especially true in cases where the Plaintiff is using the Restraining Order to try to control or manipulate the Defendant's actions.

Typically, if the Restraining Order is extended, you will need to stay at the courthouse while they finalize the paperwork so you can be served in hand before you leave the courthouse. If it is not extended, the Restraining Order will expire - usually that same day at 4:00 p.m.

When you're heading to court the morning of the hearing and while you are at court, do your best to stay clear of the Plaintiff. Do not park near them in the parking lot. Do not walk by them without providing a security guard with notice that you need to walk by before you do so (for example, if the Plaintiff is sitting outside the door to the bathroom). Do not try to talk to them, especially if contact is prohibited. Do not even look at them if you can help it. We've heard many plaintiffs get up and argue to the Judge that the Defendant has been eyeing them down while sitting in court. It might not even be true, but do not provide the other side with any additional arguments if you can help it.

During the hearing, do not interrupt the Judge, the Plaintiff, or either of the attorneys. This is very important because the Judge is also sitting there watching whether you might have any volatile tendencies which would show that you do not exhibit the best self-control. Do not raise your voice for any reason. Do not shake your head or make audible noises in objection to what anyone is saying, even if what you're hearing are complete lies. Although I'd think we wouldn't need to tell people this - Do not swear at or threaten the Judge.

Lastly, first impressions are everything. Dress similar to how you would dress if you were going to a loved one's funeral. Don't dress like you're going out on a Friday night to a club. Although a pair of khakis and a dress shirt is preferable if you do not have a suit, definitely do not wear t-shirts with logos, colors related to gangs, or pictures/messages that could be interpreted as you attempting to send a message to the Plaintiff (for example, a hand with a middle finger

extended on the front of a shirt). Think about your appearance and how it could be interpreted by a Judge. I know some amazingly nice bikers who would not hurt a fly but their physical appearance indicates they could really mess you up. Even though you shouldn't have to change who you are, everything about you will be judged when you walk into the courtroom, so put your best foot forward to try to get the best result.

THE AFFIDAVIT

When the Plaintiff applies for the Restraining Order, they have to submit an Affidavit. An Affidavit is written testimony that the Plaintiff swears to under the pains and penalties of perjury and lists all the reasons why he or she needs the Restraining Order to be issued. This will likely include dates, times, and allegations of abuse or wrongful conduct.

Although it is required to be filed with the application, the Affidavit is not served along with the issued Restraining Order. If you can go to the courthouse and request a copy of the Affidavit to provide to your attorney, that is usually very helpful in keeping down costs and being able to strategize your defense faster.

If you have been unable to get a copy of the Affidavit, your attorney can usually request a copy at the time their appearance is filed (a document that informs the Court that they are going to represent you). If you do not have an attorney and you are unable to obtain a copy of the Affidavit before your hearing, you should definitely let the Judge know the day of the hearing that you have not yet been able to see the Affidavit.

If the restraining order was obtained on an emergency basis at a police station, there may also be a police report available that you should try to obtain a copy of. If there are criminal charges pending, you should also try to get copies of all the related police reports to see if there are any inconsistencies within the different reports that you can use to your advantage.

PROTECTIVE ORDER VIOLATIONS

Whether granted on an emergency basis or for any extended period of time, if there is an active Restraining Order, you need to ensure that you are not doing anything in violation of its terms. Although a Restraining Order is a civil offense, meaning it does not show up on your criminal record, an alleged violation of the Restraining Order is a criminal offense where you could end up having to fight the charges out in District Court. Because of this, it is so important not to even put yourself in a situation where there is a question of whether you may have violated the Order. Let's go through some typical examples of violations that have been brought to court.

(1) Leaving a rose and an "I'm Sorry" card on the Plaintiff's car window. If you are prohibited from contacting the Plaintiff or going near the Plaintiff's home or work, even if you have the best intentions with letting them know you're apologizing, you could then get arrested and end up facing criminal charges.

(2) A friend or family member contacting the Plaintiff to get information or pass on a message from you. This is a big no and probably one of the most common

violations. Never tell anyone to reach out to the Plaintiff unless there is a specific provision allowing for it (for example, if a third party needs to arrange dates and time for parenting time).

(3) Butt-dialing. The best way to prevent this is to delete the number from your phone and/or block them completely. If you do butt-dial by accident, you should immediately call the police and let them know what happened. It's better being explained by you as a preventative measure than having the Plaintiff call in and report that you are harassing them. Obviously, if you have more than one butt-dial, it might start looking like it is harassing, so do not try to find the loopholes here.

(4) Drunk texting/calling/emailing. We've all sent that email or text or call to an ex when we've been drunk that we might not have sent if it were not 2 a.m. and we were sober. That is absolutely no excuse though when you have a Restraining Order against you. When you get served, immediately delete the contact from your phone so it makes it harder when you might not be thinking clearly.

(5) Remaining in a place where the Plaintiff walks into. If you're in a store and the Plaintiff walks in, YOU are the one who should immediately leave. This may not seem fair, but it's better for you to leave and not end up with a criminal charge than try to argue to a Judge, "But I was there first." As soon as you are aware of their presence, just go. If this keeps happening, let your attorney know.

(6) Responding to the Plaintiff's calls or messages. Unfortunately, even if the Plaintiff is calling you, texting you, or emailing you, if you are prohibited from

contacting the Plaintiff through the Restraining Order, you CANNOT respond - even if they reach out to you first. If the Plaintiff wants to talk to you, they either need to modify the Restraining Order or drop it before you can respond. Although this is another thing that I think would be obvious, this also includes getting together with the Plaintiff or sleeping with the Plaintiff. Just because they want you to does not mean you will not go to jail if you are arrested because of it.

WHEN AN EXTENSION IS GRANTED

If the Restraining Order is extended against you, the first thing you or your attorney should argue is the length of time and the different restrictions applicable to your situation. Most extensions are for a one-year period, but if you're heading into Family Court on a custody or divorce case soon, you may want to ask for a shorter time period if you think that's what the Restraining Order is actually about. If you have kids, you may want to ask for time to be able to see them or contact them. You definitely want to make sure that the box is checked that will allow you to get your belongings in the presence of a police officer. You may want to argue to distance you need to stay away from the Plaintiff if there are reasons you may need to be closer (for example, if you have kids and both go to the school events).

If you are not married and the Plaintiff is allowed to remain in a home that is in your name only that he or she does not have any other legal right to, you may want to think about filing a Complaint in Equity to remove them from the house. Talk to your attorney about your options.

If you need to go through a divorce or custody case, make sure you retain an attorney who understands the intersection of Family Law with Restraining Orders. Although Restraining Orders make situations more complex, they are not the end all of every situation. We have been able to get parents joint legal and physical custody notwithstanding the issuance of a Restraining Order. You will usually have a better outcome the sooner you start building a defense and a strategy though with your attorney.

You also need to listen to and follow your attorney's advice. We've had good cases where we should be able to turn things around, but sometimes, clients are their own worst enemies. A few drunk texts can mean the other side is also arguing that you have a drinking problem in Family Court. Statements that you're so sad that you would rather die means the other side is going to be arguing that you have a mental health issue that makes you not safe to be around the children. Pushing the envelope, looking for loopholes, and lying are ways to show the Family Court Judge that you don't follow the rules. None of that is going to help get you a better result.

CONTACT O'CONNOR FAMILY LAW FOR A STRONG DEFENSE

If you've been served with a Restraining Order or you think you might be served for any reason, feel free to contact our Firm so we can start building you a strong defense and strategy to allow you to move forward with your life.

You can reach us at info@familylawma.com or 774-314-4725. If it's an emergency, text 774-578-4363 and include your name and 911 in the body of the text.

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