



24-HOUR CRISIS LINE & EMERGENCY SHELTER
256-716-1000

1. WHAT IS A PROTECTION ORDER?

A PFA (Protection from Abuse) is a circuit court order, which provides legal protection for a person in or just out of an abusive relationship. With a PFA order, the police can intervene before your abuser harms you. Any violation of the PFA order is a crime.

2. WHAT CAN THE PROTECTION ORDER DO?

In the PFA the judge can prohibit the abuser from:

- *Abuse
- *Threats
- *Destroying property
- *Telephone Calls
- *Harassment
- *Any contact with you or the children

The judge can order the abuse to:

- *Stay away from you
- *Stay away from your home, work or school
- *Pay child support

The judge can grant you:

- *Custody of the children
- *Financial support
- *Possession of property (house, car, etc)

3. HOW DOES A PFA HELP ME?

If you have a PFA order an abuser does not have to assault or threaten you to be charged with a crime. If the abuser violates the PFA order in anyway, provided it is documented (tape recordings, pictures, witnesses, etc.), he can be charged with violating the order, which is a crime.

4. WHO CAN GET ONE?

You can file for a PFA if you have one of the following relationships with your abuser:

- *Married, regardless of living arrangements
- *Divorced or separated
- *Common-law or former common-law spouse
- *Have a child in common
- *Present or former household member
- *Parent or child of each other

5. WHY WOULD I WANT A PFA?

- *A PFA may be granted in a speedy manner.
- *The rights or protection granted to you may be greater than what you might obtain through other types of legal actions.
- *You seek the order without an attorney.
- *The order complies with federal law and must be enforced in other states.
- *You do not have to prove you are a resident to obtain a PFA

6. DO I HAVE TO GET A DIVORCE OR SIGN A WARRANT FIRST?

No, you do not have to get a divorce, be divorced or sign a warrant against your abuser to petition for a PFA order.

7. I HAVE A RESTRAINING ORDER. HOW DO I KNOW IF IT IS A PFA?

The order must say that it is entered “pursuant to a petition for protection from abuse” or that “following a hearing the court finds that there exists a history of violence or abuse.”

8. I'M IN THE MIDDLE OF A DIVORCE. CAN I STILL GET A PFA?

Yes. A PFA is an additional remedy for protection. A PFA petition could be filed and attached to your pending civil action, such as a divorce, without paying an additional filing fee. However, if you have an attorney, you should discuss this option before filing.

9. HOW DO I APPLY?

A petition for a Protection from Abuse order can be obtained from the circuit court clerk in your county. In some counties you may be required to go to family court or domestic relations court. The circuit court clerk's office is located in the county courthouse. You must complete the application form and you may be required to see a judge and explain why you need protection.

10. WHAT QUESTIONS DO I NEED TO ANSWER?

This form will ask several questions about you and the abuse incident(s) that led you to ask for protection. Be as specific, but brief, as possible about the abuse and threats of abuse, including the abuser's language, your injuries and any destroyed property. If your abuser owns a weapon and has threatened to use it, include this information on your petition. **YOUR LOCAL SHELTER PROGRAM CAN PROVIDE YOU WITH INFORMATION AND ASSISTANCE IN APPLYING FOR A PFA ORDER. TO CONTACT YOUR LOCAL SHELTER, CALL ALABAMA'S TOLL-FREE CRISIS LINE NUMBER: 1-800-691-8426**

11. WHAT INFORMATION WILL I NEED? YOU MUST HAVE:

- *A current address and phone number for the abuser, and if possible a work address and phone number, so that he can be served.
- *If you are the spouse of the abuser, the date and place of your marriage, divorce or separation.
- *A copy of any other current legal process or court case/order involving you and the person who has committed the abuse.
- *Copies of recent police and/or medical reports on recent domestic violence incidences.

12. WHAT IF I DON'T HAVE THIS INFORMATION?

Bring what you have and seek protection anyway.

13. HOW CAN I KEEP MY ADDRESS A SECRET FROM MY ABUSER?

You can request that the court order the omission or deletion of your address on any information that goes to the defendant.

14. DO I NEED A LAWYER?

No. The Protection from Abuse Order is a pro se order, meaning it can be filed without a lawyer. If you are seeking custody of children or possession of the home, you may wish to consult an attorney.

15. WHAT IF I WANT A LAWYER AND CAN'T AFFORD ONE?

You can request a listing of Alabama attorneys who specialize in domestic law from the Alabama State Bar, by calling 1-800-392-5660. If you have financial difficulties, you may qualify for assistance from Legal Services Corporation of Alabama. You can also contact your local SHELTER PROGRAM, which may be able to recommend a lawyer.

16. WHAT DOES IT COST?

There is a filing fee that varies from county to county. If you cannot pay the fee, you can complete an AFFIDAVIT OF SUBSTANTIAL HARDSHIP indicating need, which may allow you to file without the fee, or to pay after the protection order is signed. The forms are available from the Circuit Court Clerk or your local SHELTER PROGRAM.

17. WHAT IF I AM IN DANGER? CAN I GET ONE RIGHT AWAY?

Yes. You can request an ex parte-meaning emergency-order from the court. If you need immediate protection, fill out the ex parte section of the form and tell the clerk you need an emergency order. The

judge will be alerted to your request and may review it before the hearing is set. Ex parte means the judge considers your request without notifying or hearing from the abuser. You should also consider whether you should seek shelter while going through this process. Call the DOMESTIC VIOLENCE HOTLINE, 1-800-650-6522, for shelter or assistance.

18. WHAT WILL THE EMERGENCY PFA ORDER DO?

The emergency or ex parte order can give you temporary custody of your children. The judge can order the abuser to:

- *Stop threatening or committing acts of abuse
- *Stay away from you and your children at home, work, and school.
- *Not interfere with your custody of the children.
- *Stay away from the family home.
- *Not destroy, sell or conceal joint property.

19. WILL I AUTOMATICALLY GET AN EMERGENCY PFA?

No. It is up to the judge hearing your petition to determine whether to grant you an emergency PFA order. It is important to explain to the judge the danger you are in. Give specific examples, if possible.

20. WHAT IF THE JUDGE DENIES MY REQUEST FOR EMERGENCY PROTECTION?

You may ask the judge to consider your PFA petition through the court hearing process, after the abuser has been served with a copy of your request and has an opportunity to respond.

21. HOW LONG DOES THE EMERGENCY PFA ORDER LAST?

The ex parte or emergency order lasts until your court hearing, which should be held within fourteen (14) days.

22. WHAT HAPPENS AT THE PFA COURT HEARING?

You will be asked to testify in court about the abuse and harassment you have experienced. The abuser will also be allowed to be present and testify in the hearing. If you have an emergency PFA, it expires the day of your hearing. If the abuser does not attend, your PFA may be granted or another court hearing may be set. If the judge does not extend the Protection Order, you should request that he do so before leaving the hearing, or as soon as possible afterwards.

23. WILL I BE SAFE IN COURT?

You should be protected while in court. The person you are seeking protection from should not be allowed to abuse you while your case is being heard. If you believe you will not be safe entering or leaving the court, you should notify the court or law enforcement agency before coming or leaving. You can also arrive in the courtroom at least 30 minutes before the hearing, and contact the bailiff about your needs. Consider taking a court advocate from a shelter program, or a family or friend with you, and drive an unfamiliar car.

24. WHAT DO I NEED TO TELL THE JUDGE?

You should consider gathering the following information, if it is available.

All evidence, including your testimony, may be considered by the judge:

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| *Your statement about abuse. | *Medical reports of your injuries |
| *Police/sheriff incidence reports (certified if possible) | *Witness who have seen or heard the abuse |
| Tape-recorded messages or threats | *Dates and times of incidents |
| *Photographs of injuries | *Torn clothing or other items |
| *Pictures of damage to your home | *Injuries or threats to children |
| *A written journal | *Injuries or threats of injury to pets |

25. WHAT DOES A PERMANENT PFA PROVIDE?

The judge can order all the provisions of the ex parte or emergency order and can order your abuser to:

- *Pay attorney's fees and court costs

- *Supervised or unsupervised child visitation, if appropriate
- *Give up possession of the family home
- *Provide temporary support for you and the children, if appropriate
- *Provide a car for your transportation

26. HOW LONG DOES A PERMANENT PROTECTION ORDER LAST?

The Protection from Abuse Order generally lasts one (1) year from the date it is signed by the judge, unless otherwise specified. You can apply for an extension.

IT IS VERY IMPORTANT TO CARRY YOUR PROTECTION ORDER WITH YOU AT ALL TIMES. MAKE SEVERAL COPIES. LEAVE THEM IN YOUR CAR, AT WORK, AT SCHOOL, WITH FRIENDS, AND FAMILY. GIVE COPIES TO ALL AGENCIES LISTED IN YOUR ORDER.

27. WHAT IF I LEAVE TOWN?

Your protection order can be enforced throughout the state and U.S. If you move in state, provide certified copies of the order to the local sheriff and police. If you move out of state, notify the local circuit court.

28. WHAT SHOULD I DO IF MY ABUSER VIOLATES MY PFA ORDER?

You may call the police. Show them your protection order and tell them what happened. They can arrest the abuser for violating the order. You may also apply for a warrant for the abuser's arrest for violating the PFA order. If an arrest is not made at the scene, you may report the violation to the court that issued the order. Keep a journal of all violations, documenting incidents with dates and names of witnesses.

29. WILL MY ABUSER GO TO JAIL IF HE VIOLATES THE ORDER?

Your abuser can be arrested and charged with violating a PFA order. He may also be found in contempt of court and fined. Violation of a PFA Order is a Class A misdemeanor that carries with it a fine and possible jail sentence. If other criminal acts are committed, they may also be punishable by law. Penalties can increase for repeat offenses.

30. HOW LONG WILL MY ABUSER BE LOCKED UP?

Your abuser can be arrested, but may be able to post bond. He must remain in jail for twelve (12) hours unless first taken before a judge or magistrate for bail conditions. It is important that you have a safe place to stay when he is released.

31. DOES HE HAVE TO ABUSE ME TO BE ARRESTED?

No. Most PFAs prohibit the abuser from any contact with you. He can be arrested for calling you, following you, or coming to the home, work or school. He does not have to physically abuse you to be arrested.

32. WHAT ARE THE PENALTIES?

Violation of a PFA Order is a Class-A misdemeanor that carries with it a fine and possible jail sentence, as determined by the judge. If other criminal acts are committed in addition to violating the order that may also be punishable as provided by law. Penalties may increase for second or subsequent offenses.

33. WILL A PFA PROTECT MY SAFETY?

It is dangerous to stay in an abusive relationship. Abuse becomes more severe and more frequent over time. However, leaving an abusive relationship is also dangerous. Be aware that while a PFA order provides a legal means for you to protect yourself from your abuser, it does not provide you with physical safety. It is important to work out a safety plan for you and your children. Your local shelter program can help you.

**DOMESTIC VIOLENCE IS A CRIME!
YOU ARE ENTITLED TO LEGAL PROTECTION.**

This booklet is to be used for information purposes only. It is not to be considered as legal advice. You may want to consult with an attorney regarding your specific circumstances.