

What is an Order of Protection (OOP)?

An OOP is a document issued by the court that may help protect you from harassment or abuse. A judge can:

- Order your partner to leave and stay away from your home, your workplace, and your family (this is called a no contact OOP)
- Order your partner to have no contact with you – including no phone calls, no letter, no emails, no texts, or messages through other people (no contact OOP)
- Order your partner to stop abusing you, your children, and your pets (no harass OOP)

Once an OOP is issued, only a judge can change it.

For example, if a no-contact OOP is issued and your partner contacts you or you contact him, even for a good reason like a child's birthday, your partner can be arrested for violating the OOP.

How do I get an OOP?

To get an OOP, your case must come before a judge, either in criminal or civil (family) court.

FAMILY COURT: is a civil court with the goal of protecting you and your family. You can go to family court if:

- You are legally married to the abuser OR You are divorced from the abuser
 - You are related to the abuser by blood OR You have a child in common with the abuser
 - You are or have been in an intimate relationship with the abuser
1. Go to Family Court during regular business hours and ask for a victim advocate to assist you through the court process, beginning with filing a petition. The petition is **VERY** important. Advocates can answer questions, explain how things work and what to expect, and can even go with you to court, so you do not have to go alone.
 2. Once at Family Court, you must ask for and file a Family Offense Petition with the Court Clerk. Let the court know you want to keep your address a secret.
 3. The judge will most likely want to talk to you. You are now the "petitioner". Your partner is now the "respondent".
 4. The judge will decide whether or not to issue a temporary OOP. Most likely it will extend to the next court date, which will be given to you by the court. Your partner must come to court on that day, too.
 5. Your partner must be served with the OOP for it to be enforced by police.

Many times, it is quicker and easier to get an OOP in Family Court than Criminal Court, but only if you fit the eligibility requirements. OOP's can be pursued in both courts at the same time. If this is confusing, speak with a Victim Advocate at Family Court or at the District Attorney's Office.

****Family Court has a daycare center where your children can safely wait while you are in court.****

CRIMINAL COURT: Regardless of the relationship between you and the abuser, a criminal court can issue an order of protection after the abuser has been arrested and charged with a crime. In some cases, criminal court may be your Town or Village Court. The police or District Attorney may request an order of protection from the court or you may make the request yourself. Many times, as in Family Court, a temporary order can be issued which extends from one court date to the next. A permanent criminal OOP can be issued when the case is over for up to 5 years, depending on the crime the abuser is convicted of.

Numbers you may need:

Crime Victims – 24 hr.
607-722-4256
607-725-8196 – Text
www.cvac.us

RISE - 24 hr.
607-754-4340
1-800-754-4340
www.rise-ny.org

Family Court Advocate
607-778-3525

Criminal Court Advocate
607-778-2423