

# **STALKING PROTECTIVE ORDERS**

## **A Self-Help Manual for Victims of Stalking®**

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“...and justice for all.”

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## A. INTRODUCTION

O.C.G.A. § 16-5-94 allows a person who is a victim of stalking to request a civil protective order to stop the stalker from contacting the petitioner. An action under O.C.G.A. § 16-5-94 is civil and does not require that the stalker be arrested for the petitioner to obtain a protective order. If you choose to seek a protective order this does not mean that you cannot file criminal charges against your stalker. You may do both. O.C.G.A. § 16-5-94 does not require that the stalker and petitioner have any type of relationship or have lived in the same household. A protective order issued under O.C.G.A. § 16-5-94 can order a party to stop the conduct toward the other person that is considered stalking, to stop harassing or interfering with the other person, to receive psychiatric or psychological counseling, and to pay costs and attorney fees for having to bring this action. It cannot be used to get custody or obtain financial support. If you have a child with your stalker, were married to him or lived with him you may want to get a Family Violence protective order. You can get support and custody with a Family Violence protective order. Violation of a protective order by a stalker may subject him/her to a charge of aggravated stalking, a felony.

This manual gives you a step by step roadmap to ask the court for a stalking protective order. It explains how to decide if the law applies to you, how to fill out the necessary forms, how to file the forms, and what happens at a hearing. First, you must prepare the petition, temporary protective order, and protective order. A petition for stalking order is attached. You can also complete a Stalking Act TPO Petition online at: <http://www.georgialegalaid.org/issues/family-law-and-domestic-violence/domestic-violence>. At the time you file your petition, the judge may give you immediate protection by signing an Ex Parte protective order. If the judge signs a 30-day Ex Parte protective order, the judge will then

set up a hearing to be held within 30 days of the date the order is signed. At the second hearing, the judge will hear witnesses and take evidence. The stalker can also testify and ask questions of you. The judge can sign a second protective order which lasts up to twelve months and can be made permanent.

The law allows people to represent themselves (pro se) in court to get a protective order. **You should always try to have a lawyer if you can.** O.C.G.A. § 16-5-94 also allows family violence shelters or social services agencies, designated by the court, to help you fill out and file papers for a stalking protective order.

### **B. WILL THE LAW PROTECT YOU?**

Before you prepare and file for a stalking protective order, you must decide if the law applies to you and your situation. It does not apply to all acts of violence.

If you can answer yes to the following questions, then the conduct constitutes stalking and you can apply for a protective order. Did the stalker follow you, place you under surveillance, or contact you, at places other than at the stalker's residence, without your consent and was this conduct willful? Did this conduct cause you emotional distress and place you in reasonable fear for your or a member of your family's safety, and did these actions serve no legitimate purpose? Is this conduct part of a pattern of harassing and intruding behavior?

Elgin v. Swann, 315 Ga. App. 809 (2012).

### **C. WHO CAN FILE A PETITION?**

If you are 18 years of age or older and you are the victim of stalking, you can file the petition. If you are under 18 and you are the victim of stalking, you must find someone who is 18 years of age or older to file the petition for you.

## **D. DEFINITIONS**

Petitioner - the person who is asking the court for protection from stalking.

Respondent - the stalker, the person committing the pattern of harassing or intruding conduct.

Petition - the papers that tells the court about the stalking and ask for protection.

Filing - giving the petition (court papers) to the clerk of the court.

Hearing - appearing in court before a judge and telling her/him about the stalking and why you need help from the court.

Ex parte - the judge hears only one side. The first hearing is usually ex parte, meaning the judge only hears your side. If you have a witness, you can bring one witness.

Pro se - representing yourself in court; not having a lawyer.

Superior Court - there are many types of courts (for example, Probate, Juvenile, State). The Superior Court is where a petition for a protective order against stalking must be filed.

Clerk - the person who handles the filing of legal papers. Find the Superior Court Clerk.

Notary Public - person who witnesses (notarizes) signatures. Generally, you can find a notary public at the clerk's office, banks, and Legal Services offices.

## **E. PREPARING A PETITION FOR A STALKING PROTECTIVE ORDER**

Form A is a sample Petition for Stalking Temporary Protective Order. Look at it as you go through the following instructions. It cannot fit all cases, but it can help as a sample.

**HEADING** - The heading identifies the case and the parties. Usually the papers must be filed in the county where the stalker/respondent lives. A stalking proceeding involving a stalker

who does not live in Georgia can be filed in the county where the petitioner/victim lives or in the county where the stalking took place.

If you use Form A, on the left side put in your name. You are the petitioner. The respondent is the person who committed the stalking acts. On the right side of the page, see the words "Civil Action File No. \_\_\_\_\_." Do not put a number in the blank. When you file the papers with the clerk, the clerk will fill in a number. Then make sure that the number is placed everywhere it says Civil Action File No. (at the top of each page).

Tell the court about your situation. Each paragraph must be numbered. Some of the paragraphs tell the judge information which must be included. Other paragraphs may not apply to your case. If you are not sure about a fact in one of your answers make sure that your answer is written as "may be," "about," "approximate," etc.

**PARAGRAPH ONE:** Fill in the blank with the name of the county where you live. Also tell the court if you are an adult over 18. If you are a minor someone over 18 can file for you. It would be best to see a lawyer if you are under 18.

**PARAGRAPH TWO:** You must tell the court what county the stalker lives in and where he can be served with a copy of the Petition and Ex Parte Protective Order. If the stalker lives out of state, use Paragraph 2a and not Paragraph 2. Strike out the paragraph that does not apply.

**PARAGRAPH THREE:** Describe the stalking acts that caused you to seek a protective order. Tell the court the times the respondent has stalked you and what the respondent did. Tell the court when the most recent stalking act occurred. Tell the court how the acts made you feel.

Also, tell the court if the respondent/stalker is an alcoholic, has weapons, or uses drugs, and if you called the police or if the respondent was arrested.

**REQUEST FOR RELIEF**: Paragraph (a) asks that the court set a hearing. Paragraph (b) asks the court to serve/give copies of the papers to the stalker. Paragraph (c) you ask for law enforcement assistance. In paragraph (d) you may ask the court to order the respondent - to stop harassing and intimidating you; for a restraining order preventing the respondent from contacting you and your immediate family; request that the respondent not be allowed to approach you and your residence (fill in the yards to stay away, for example 100 yards); restrain the respondent from the actions you complained of in the petition; ask that the respondent receive psychiatric services; and pay the costs and attorney fees for having to bring file this request for a protective order. Check the ones you want the court to order.

**SIGNATURES** - You must sign the petition. Under your signature, print your name and give an address and, if you have one, telephone number. Some people may not want the stalker/respondent to know where they are living because they may fear further harm. If this is the case, you should use an address where you can reliably receive mail. You do not have to give an address, but the court may require that you supply an address where the court can send out notices regarding hearings or other information about your case.

**RESPONDENT'S IDENTIFYING FACT SHEET** - This is identifying information that law enforcement can use to identify the stalker. Fill in as much information as you can.

**VERIFICATION** - The verification must be signed in front of a notary public. You are swearing that the facts you have stated in your petition are true and correct. If you are not sure

about the facts in your petition make sure the statement is written “may be,” “about,” “approximate,” etc.

## **F. COURT COSTS**

There are no court costs for filing a stalking petition.

## **G. PREPARING THE EX PARTE PROTECTIVE ORDER**

You must prepare the order which you will ask the judge to sign after the first (ex parte) hearing and take it with you. The order will list the things you asked the court to do immediately. It will last only until the next hearing within 30 days. It may not cover all the issues. There is a sample Stalking Ex Parte Protective Order at the end of this manual. [Form B]. This form is available on the gsccca.org website at: <https://www.gsccca.org/file/family-violence-forms>.

HEADING - Prepare the heading just as you did for the Petition for Protective Order. Fill in the Civil Action File No. with the number the clerk gave to the Petition. Also add the Civil Action File No. to the blank at the top of each page.

THE EX PARTE PROTECTIVE ORDER - Put in the county name, the names of the parties and the civil action number on the order. You should allow the judge to complete the rest of the order or fill in the blanks only if the judge directs you to do so after the hearing. Each paragraph is numbered. Form B, Paragraph 1 orders the stalker to stay away from you and your immediate family. In Paragraph 2 the judge will fill in the number of yards, such as 100 yards. Paragraph 3 orders the respondent to have no contact with you even through a third party. Paragraph 4 orders the respondent to appear in court for a hearing, the judge will fill in the date and time. Paragraph 5 orders law enforcement to serve the respondent. Paragraph 6 reminds law enforcement that this order is enforceable throughout the state. Paragraph 7 orders that the

case be filed by the clerk. Paragraph 8 states that the Court determined that it had jurisdiction over the parties and the subject matter of the case, and that this Order is valid and enforceable in every state and jurisdiction in the United States.

Where it says “Prepared by” sign your name on the top line and print or type in - your name, and give an address and phone number so that the court can contact you if necessary. If you are asking the court to keep your address confidential then use the reliable address you used on the petition.

**Make sure that the Civil Action File No. is completed on top of each page of the Orders.** Finally, fill out the Respondent’s and Petitioner’s Identifying Information on the last page of the Order.

#### **H. PREPARING FOR THE HEARING**

After you have the completed papers, you are ready to file your petition and to go to the first hearing before the judge. Make sure you have the following papers with you:

1. Petition for Stalking Temporary Protective Order (the original and 2 copies) [Form A]; make sure that the Petition is notarized; and
2. Stalking Ex Parte Protective Order (the original) [Form B].

At this ex-parte hearing only one side is presented. You will tell the judge your story. Your stalker will not be there for this hearing. First, call the Superior Court clerk’s office to ask if the judge is available for a stalking hearing. Ask if you are to go first to the clerk’s office or directly to the judge. In some counties the judge is available only on certain days of the week or you may have to go to another court handling hearings that day. Next, go to where the clerk’s office directed you, either the clerk’s office or directly to the judge. If you go first to the Superior Court clerk’s office to file your petition and ask about a hearing with the judge. The

clerk will tell you where you need to go to see the judge. If you are directed to go first to the judge you will then go to the clerk's office and the clerk will also give you the number for your case which is the Civil Action File Number. Put this same number on all the papers where it is written "Civil Action File Number."

Judges cannot issue orders unless they hear evidence. At the first hearing it is your job to show that stalking acts happened, that they are likely to happen again, and that you need legal protection. You may want to write notes about what happened so that you can tell the judge your story clearly. The story does not need to be long, but must include the important facts about what happened and how this made you feel, if you were afraid or frightened. If other evidence is available (see examples below), take it with you and present it to the judge. If possible get certified copies of papers, but take copies with you if that is all you can get.

1. Police Reports - If you called the police and a report was prepared, get a copy of the report from the police station. Give this to the judge or tell the judge about it.
2. Warrants - If you took out a warrant against the stalker, get a copy of the warrant and give it to the judge.
3. Witnesses - At the ex-parte hearing the court will allow you to have one witness. The witness must be a person who actually saw the violent act or who saw you shortly after the violence happened. The witness should describe the violent act and any injuries the witness saw. CAUTION: Generally a witness cannot tell the court what you told the witness or what another person told the witness.

### **I. AT THE FIRST (EX-PARTE) HEARING**

Each court operates a little differently. Tell the bailiff or the judge that you have a Stalking Act Protective Order Petition and want to have an ex-parte hearing. In some courts the judge may meet with you in his/her chambers. Give the judge your petition. You will be sworn in and tell the judge about your case. You should say something like this:

1. My name is \_\_\_\_\_.
2. I live in \_\_\_\_\_ County.
3. The respondent lives in \_\_\_\_\_ County.
4. Then present your evidence about the stalking acts. First, describe in detail the stalking acts. Tell your story in a short, organized, clear, not overly emotional way.
5. Then if you have any other evidence like medical records or police reports give that to the judge and explain it.
6. Tell the judge what you want.
7. If you have a witness, you should tell the judge that you have a witness and tell the judge the witness's name. If the judge decides to allow the witness, s/he will be sworn in. The judge will ask the witness to describe what the witness saw.
8. Once the witness has talked to the judge, tell the judge that you have no further questions and that you have an Ex Parte Protective Order prepared for review.
9. Give the Ex Parte Protective Order to the judge. Answer any questions the judge asks truthfully.
10. If the judge signs the order, s/he will set a hearing date within 30 days of the date you are in court.
11. Whether or not the judge signs the order you should say "thank you, your honor." If the judge does not sign the order, consult an attorney.
12. Take the signed Ex Parte Protective Order to the clerk's office to have it filed.
13. Take a copy of the filed Ex Parte Protective Order to the sheriff's department.
14. **Keep a copy of the Ex Parte Protective Order with you at all times.**

At the sheriff's department you will need to fill out a form so that the sheriff's office can serve the papers on your stalker. (Sometimes this is done at the clerk's office and the clerk will send this form and the respondent's copy of the Petition for Stalking Temporary Protective Order to the sheriff's office for service on the respondent. You must ask the clerk which way this will be done in your case.) This information includes: address where the stalker lives, address where he works, hours worked, social security number, physical description of your stalker (scars, tattoos, height/weight, etc.). **If your stalker owns any guns, please write that information down where the form asks for additional information.**

**REMEMBER - ALWAYS BE CAREFUL.**

Neither the police nor the courts can guarantee you will be safe.

## **J. THE SECOND HEARING (30-DAY HEARING)**

You will need the Stalking Twelve Month Protective Order for the second hearing. It is prepared the same way you prepared the Ex Parte Protective Order. Except for filling in the county, the names and case number, and checking those areas you have requested you be awarded, you should allow the judge to complete the Order or fill in only what the judge tells you to fill in after the hearing. You should fill out the Respondent Identifying Fact Sheet and Petitioner's Identifying Information on the last page of the Order.

When the judge signed the Ex Parte Protective Order s/he set a hearing date for both you and the stalker to come to court. **You must go to the court on this date (even if the stalker does not attend) if you want the order to continue for 12 months.** At this hearing, both you and your stalker may be in front of the judge. NOTE: Both parties have the right to have an attorney represent them (though neither party will be appointed a free attorney if they cannot afford one). You have the same responsibility as you did at the first hearing. You must show the court that the violence happened by your testimony, witnesses, or other evidence. You may use the evidence you presented to the court at the ex parte hearing and any additional evidence you have gathered.

When your case is called you will be sworn in. Tell the judge what happened using the same information as you did at the ex parte hearing. After you present your information to the judge and your witnesses have testified, you should say to the judge, "I have no further questions or information, your Honor." The judge may ask you questions. Answer all questions truthfully. If you do not know the answer or do not understand the question, tell the judge you do not understand or do not know the answer.

Your stalker has the right to ask you questions. Remain calm and answer only the question asked. Listen carefully to the question.

After this, your stalker will have a chance to tell his side of the story. You do not need to do anything during this time except listen carefully. Keep calm and cool. Even if your stalker lies, do not blow up or call him a liar. After your stalker tells his side, the judge may ask him some questions. The judge will then allow you to ask your stalker questions. You do not have to ask questions. Unless you are certain that your question will help the judge better understand the case, you should not ask a question. **DO NOT ARGUE WITH THE STALKER.**

After your stalker gives his side and you have asked him questions, the judge may ask you if you have anything further to say. You should say something else only if you need to clarify or want to make it known to the judge that your stalker did not state what really happened. Tell the judge what you want and ask for the Stalking Order to be continued for 12 months.

The judge will then decide the case. If the judge decides to grant your Stalking Order give him your Stalking Act Twelve Month Protective Order. [Form C].

Always be respectful in court. If the judge refuses to grant your order, see a lawyer. Once the judge has signed your order, take your signed Stalking Order to the clerk's office. Get a certified copy of the Stalking Order. Make sure the sheriff's office or police department gets a copy of the Stalking Order. Keep a copy of the Stalking Order with you at all times.

## **K. WHAT TO DO IF THE STALKER/RESPONDENT VIOLATES THE ORDER**

Now that you have an order, you have legal protection. We hope that the stalker will follow the order and not break any of the orders of the judge. However, sometimes the stalker will not follow the order. Again, be careful at all times. Talk to your Domestic Violence agency about safety planning at 1-800-334-2836 or 1-800-33HAVEN.

First call the Sheriff's Office or Police and report that you have a Stalking Order, and that the stalker is still bothering you. Tell the police what happened. If the police refuse to arrest him, take the officer's name and ask to speak to his superior. Violation of a Stalking Order can be a felony offense under the stalking law.

Stalking Orders can also be made permanent. You should see your shelter or a lawyer if you need further help.

Every situation can be different so always have a lawyer if you can. These forms and instructions are general models and cannot fit every situation. If you can't get a lawyer, you have the right to go to court yourself or with the help of a designated shelter worker. A court order will protect some people. It may protect you, but **ALWAYS BE CAREFUL**. Some stalkers will still be dangerous. We hope this information is helpful.

THE SUPERIOR COURT FOR THE COUNTY OF \_\_\_\_\_

STATE OF GEORGIA

_____	]	
	]	
Petitioner,	]	Civil Action File
v.	]	
	]	No. _____
_____	]	
	]	
Respondent.	]	

**PETITION FOR STALKING TEMPORARY PROTECTIVE ORDER**

The Petitioner, pursuant to O.C.G.A. § 16-5-94 hereby files this Petition for a Temporary Protective Order and in support shows the Court the following:

1. The Petitioner is a resident of \_\_\_\_\_ County, Georgia and is over the age of 18 years of age or is an emancipated minor. Petitioner’s date of birth is \_\_\_\_\_, sex \_\_\_\_\_, and race is \_\_\_\_\_.
2. The Respondent is a resident of \_\_\_\_\_, Georgia, and may be served at \_\_\_\_\_, \_\_\_\_\_ County, Georgia.

OR

- 2a. Respondent is a resident of the State of \_\_\_\_\_. Under O.C.G.A. §§19-13-2(b) and 16-5-94(6) jurisdiction and venue are proper with this Court because the stalking occurred in the State of Georgia in \_\_\_\_\_ County and the Petitioner lives in \_\_\_\_\_ County. Respondent is subject to the jurisdiction of this court and may be served at \_\_\_\_\_.

3. On or about \_\_\_\_\_, 20\_\_ the Respondent has knowingly and willfully committed the following acts of stalking under O.C.G.A. § 16-5-90 *et seq.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and similar events may occur in the future. These acts had no legitimate purposes, happened at places other than the residence of the Respondent, were without the consent of the Petitioner, and placed Petitioner in reasonable fear for her/his own safety and/or the safety of her/his immediate family.

**FORM A**

4. In the past on or about \_\_\_\_\_, 20 \_\_\_\_, the Respondent committed the following acts of stalking under O.C.G.A. § 16-5-90 *et seq.*

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and similar events may occur in the future. These acts had no legitimate purposes, happened at places other than the residence of the Respondent, were without the consent of the Petitioner, and placed Petitioner in reasonable fear for her/his own safety and/or the safety of her/his immediate family.

THEREFORE, Petitioner requests:

- (a) That the Court set a hearing within thirty (30) days of the signing of the Order and to direct Respondent to appear before this Court and to show any reasons why the demands of the Petitioner should not be granted;
- (b) That the Respondent be served a copy of this Petition and Ex Parte Protective Order as required by law;
- (c) That this Court issue an Ex Parte and Twelve month protective order to:
  - \_\_\_\_\_ order Respondent to stop harassing and intimidating Petitioner and her/his immediate family;
  - \_\_\_\_\_ order Respondent not have any direct or indirect contact with the petitioner and her/his immediate family;
  - \_\_\_\_\_ order Respondent be enjoined from approaching within \_\_\_\_\_ yards of Petitioner and Petitioner's residence;
  - \_\_\_\_\_ order Respondent refrain from the conduct toward the Petitioner as stated in this Petition;
  - \_\_\_\_\_ order law enforcement to enforce the order;
  - \_\_\_\_\_ order Respondent to receive appropriate psychiatric or psychological services;
  - \_\_\_\_\_ award the Petitioner costs and attorney fees for having to bring this action.

Respectfully submitted,

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner's Address

\_\_\_\_\_  
Phone Number

**RESPONDENT'S IDENTIFYING FACT SHEET**

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth, or social security number.)

Respondent's social security number is \_\_\_\_\_, date of birth is \_\_\_\_\_, sex \_\_\_\_\_, color of hair \_\_\_\_\_, color of eyes \_\_\_\_\_, height \_\_\_\_\_, weight \_\_\_\_\_. Respondent's race is \_\_\_\_\_, ethnic background \_\_\_\_\_.

Respondent has distinguishing marks (tattoos, scars, etc.) \_\_\_\_\_. Respondent drives a \_\_\_\_\_, license tag number \_\_\_\_\_ and has a \_\_\_\_\_ (state) driver's license number \_\_\_\_\_.

Respondent's home address \_\_\_\_\_ and is employed by \_\_\_\_\_ at \_\_\_\_\_ and works from \_\_\_\_\_ to \_\_\_\_\_ on (days) \_\_\_\_\_.

THE SUPERIOR COURT FOR THE COUNTY OF \_\_\_\_\_

STATE OF GEORGIA

_____,	]	
	]	
Petitioner,	]	Civil Action File
v.	]	
	]	No. _____
_____,	]	
	]	
Respondent.	]	

**VERIFICATION**

Personally appeared \_\_\_\_\_, who being duly sworn states that she/he is the Petitioner in the above styled case and that the facts set forth in the foregoing Petition for Stalking Temporary Protective Order are true and correct.

\_\_\_\_\_  
Petitioner

Sworn and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires:

**REMOVE THIS PAGE FROM PETITION**

Pursuant to O.C.G.A. Section 19-13-3,  
Petitioner assisted by

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

STATE OF GEORGIA

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

] ]  
] Civil Action File  
] No. \_\_\_\_\_  
] ]  
] ]

**STALKING EX PARTE TEMPORARY PROTECTIVE ORDER**

Upon proceedings before me, the Petitioner, having demanded pursuant to O.C.G.A. § 16-5-94 that a Protective Order be issued; and alleged that Respondent has knowingly and willfully committed or attempted to commit acts in violation of O.C.G.A. § 16-5-90 *et seq.*, and such acts were not at the home of the Respondent, had no legitimate purpose and that Petitioner is in reasonable fear of her/his safety and/or the safety of her/his immediate family; and it appearing to the Court that probable cause exists to believe that similar events will occur in the future, IT IS HEREBY ORDERED AND ADJUDGED:

1. That Respondent is enjoined and restrained from any acts directly or indirectly  
pco 01, pco 02 which harass and/or intimidate the Petitioner or her/his immediate family.
2. That Respondent is enjoined from approaching within \_\_\_\_\_ yards of  
pco 01, pco 04 Petitioner.
3. That Respondent have no contact of any type, direct or indirect, or through  
pco 05 another person with Petitioner, or her/his immediate family, including but not limited to telephone, pager, fax, e-mail, mail or any other means of communication.

**4. That the Respondent appear before this court, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_ \_\_m. in room \_\_\_\_\_ of the \_\_\_\_\_ County Courthouse at \_\_\_\_\_ to show cause why the requests of The Petitioner should not be granted.**

5. That a copy of this Order be given to local law enforcement and the Respondent be served with a copy of this Order and Petition for Stalking Temporary Protective Order instanter.

**FORM B**

CIVIL ACTION FILE NO. \_\_\_\_\_

6. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. §§ 16-5-94(e) and 19-13-4(d). Law Enforcement may use their arrest powers pursuant to O.C.G.A. §§ 16-5-91 and 17-4-20 to enforce the terms of this Order.
7. That these proceedings be filed in the office of the Clerk of this Court.
8. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and the Court ordered that the Respondent be given reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights and this Order shall be presumed valid and pursuant to 18 U.S.C. § 2265(a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as ordered as if an Order of the enforcing state or jurisdiction.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JUDGE, SUPERIOR COURT

\_\_\_\_\_  
County

\_\_\_\_\_  
Print or stamp Judge's name

**Violation of the above Order may be punishable by arrest.**

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

**RESPONDENT'S IDENTIFYING FACT SHEET**

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth, or social security number.)

Respondent's social security number is \_\_\_\_\_, date of birth is \_\_\_\_\_, sex \_\_\_\_\_, color of hair \_\_\_\_\_, color of eyes \_\_\_\_\_, height \_\_\_\_\_, weight \_\_\_\_\_. Respondent's race is \_\_\_\_\_, ethnic background \_\_\_\_\_. Respondent has distinguishing marks (tattoos, scars, etc.) \_\_\_\_\_. Respondent drives a \_\_\_\_\_, license tag number \_\_\_\_\_ and has a \_\_\_\_\_ (state) driver's license number \_\_\_\_\_. Respondent's home address \_\_\_\_\_ and is employed by \_\_\_\_\_ at \_\_\_\_\_ and works from \_\_\_\_\_ to \_\_\_\_\_ on (days) \_\_\_\_\_.

**PETITIONER'S IDENTIFYING INFORMATION**

Protected parties:

_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____

Transmitted to Georgia Protective Order Registry Date \_\_\_\_\_ Clerk \_\_\_\_\_

**REMOVE THIS PAGE FROM THE ORDER**

Pursuant to O.C.G.A. Section 19-13-3,

Petitioner assisted by

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

STATE OF GEORGIA

	]	
	]	
Petitioner,	]	Civil Action File
v.	]	
	]	No. _____
	]	
	]	
Respondent.	]	

**STALKING TWELVE MONTH PROTECTIVE ORDER**

A hearing was held on this matter on \_\_\_\_\_, 20\_\_\_\_ at which the Respondent appeared and/or was provided with the opportunity to be heard and the Petitioner requested that the Protective Order entered in this case be continued. Having heard the evidence presented, reviewed the petition and the record concerning this case and for good cause shown, IT IS HEREBY ORDERED AND ADJUDGED:

1.        Respondent has knowingly and willfully violated O.C.G.A. § 16-5-90 *et seq.* and  
 pco 01 placed the Petitioner in reasonable fear for the Petitioner’s safety. Respondent is  
 pco 02 hereby enjoined and restrained from doing or attempting to do, or threatening to  
 do any act constituting a violation of O.C.G.A. § 16-5-90 *et seq.* and of harassing,  
 interfering, or intimidating the Petitioner or Petitioner’s immediate family.  
 Specifically Respondent is hereby enjoined and restrained from \_\_\_\_\_  
 \_\_\_\_\_ which is a violation of O.C.G.A. § 16-5-90 *et*  
*seq.* and that any future acts committed by the Respondent towards the Petitioner  
 which are in violation of this statute and this Protective Order can amount to  
 AGGRAVATED STALKING, pursuant to O.C.G.A. § 16-5-91, which is a  
 felony. A person convicted of Aggravated Stalking shall be punished by  
 imprisonment for not less than one nor more than ten years and by a fine of not  
 more than \$10,000.00.
  
2.        Respondent is enjoined and restrained from approaching within \_\_\_\_\_ yards of  
 pco 01 Petitioner and/or Petitioner’s immediate family, and/or residence, place of  
 pco 04 employment, or school.
  
3.        Respondent is not to have any contact of any type, direct, indirect, or through  
 pco 05 another person with the Petitioner or her/his immediate family, including but not  
 limited to telephone, fax, e-mail, voice mail, mail, or any other type of contact.

**FORM C**

CIVIL ACTION FILE NO. \_\_\_\_\_

4. That these proceedings be filed in the Office of the Clerk of this Court.
5. This Order shall remain in effect for twelve (12) months from this date. This Order expires on \_\_\_\_\_, 20\_\_\_\_.
6. That this Order applies in every county throughout the state and it shall be the duty of every court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. §§ 16-5-94(e) and 19-13-4(d). Law Enforcement may use their arrest powers pursuant to O.C.G.A. §§ 16-5-91 and 17-4-20 to enforce the terms of this Order.
7. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and Respondent received reasonable notice and had the opportunity to be heard before this Order was issued sufficient to protect the Respondent's due process rights and this Order shall be presumed valid and pursuant to 18 U.S.C. § 2265(a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as if an Order of the enforcing state or jurisdiction.

*ONLY the following that are initialed by the JUDGE shall apply:*

- \_\_\_\_\_ 8. Respondent is to receive appropriate psychiatric or psychological services.
- \_\_\_\_\_ 9. Petitioner is awarded costs and attorney fees in the amount of \_\_\_\_\_.
- \_\_\_\_\_ 10. Petitioner/protected party is either a spouse, former spouse, parent of a common  
pco 07 child, Petitioner's child, child of Respondent, cohabitates or has cohabited with  
Respondent and qualifies for 18 U.S.C. § 922(g).

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE, SUPERIOR COURT  
\_\_\_\_\_ County

\_\_\_\_\_  
Print or stamp Judge's name

**Violation of the above Order may be punishable by arrest.**

**NOTICE TO RESPONDENT**

1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for contempt of court.
2. This Order shall remain in effect unless specifically superceded by a subsequent Order signed and filed, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify or dismiss this Order. Either party may ask this Court to change or dismiss this Order.
3. If after a hearing, of which the Respondent received notice and opportunity to participate, a protective order is issued which restrains Respondent from harassing, stalking or threatening an intimate partner, Respondent is prohibited from possessing, receiving, or transporting a firearm or ammunition which has been shipped or transported in interstate or foreign commerce for the duration of the Order. 18 U.S.C. § 922(g).
4. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts another person on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony aggravated stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to \$10,000.00.

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. § 19-13-53. To order a specific provision, please initial in the space provided. The court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case and in order to comply with the court's application of the law and facts to an individual case.

**RESPONDENT'S IDENTIFYING INFORMATION**

(Please complete as much as possible; one of these must be provided to have the Order placed in the National Crime Information Center registry: Respondent's date of birth, or social security number.)  
 Respondent's social security number is \_\_\_\_\_, date of birth is \_\_\_\_\_, sex \_\_\_\_\_, color of hair \_\_\_\_\_, color of eyes \_\_\_\_\_, height \_\_\_\_\_, weight \_\_\_\_\_. Respondent's race is \_\_\_\_\_, Ethnic background \_\_\_\_\_. Respondent drives a \_\_\_\_\_, license tag number \_\_\_\_\_ and has a \_\_\_\_\_ (state) driver's license number \_\_\_\_\_. Respondent has distinguishing marks (tattoos, scars, etc.) \_\_\_\_\_. Respondent's home address is \_\_\_\_\_ and is employed by \_\_\_\_\_ at \_\_\_\_\_ and works from \_\_\_\_\_ to \_\_\_\_\_ on (days) \_\_\_\_\_.

**PETITIONER'S IDENTIFYING INFORMATION**

Protected parties:

_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____
_____	DOB _____	sex _____	race _____

Transmitted to Georgia Protective Order Registry Date \_\_\_\_\_ Clerk \_\_\_\_\_

**REMOVE THIS PAGE FROM THE ORDER**

Pursuant to O.C.G.A. Section 19-13-3,

Petitioner assisted by

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_