

New York State Coalition Against Domestic Violence
2004 Domestic Violence Handbook

Why Orders Of Protection Can Be Helpful

While an Order of Protection cannot guarantee your safety, it can help in several ways.

- Police are likely to take your calls more seriously if you have an Order of Protection. An abuser can be arrested and put in jail if he violates an Order of Protection.
- If the police have reason to believe an abuser violated a “stay away” provision of an Order of Protection, they must arrest him.
- If an abuser is convicted of violating an Order of Protection and has violated one in the past, even against a different victim, he can be charged with Criminal Contempt in the First Degree, which is a felony.
- If an abuser violates an Order of Protection by causing physical injury or property damage over \$250, he can be charged with a felony.
- If you have left your home, an Order of Protection can make it easier for you to get the police to go with you to get your personal belongings.
- If you are being stalked or harassed at work, an Order of Protection can protect you at your job.

Specifically, criminal, Supreme and Family Court Orders of Protection can:

- direct the abuser to stop the abusive behavior toward both you and your children;
- tell the abuser to leave and stay away from your home, your job, and your family;
- direct the abuser to have no contact with you - meaning no phone calls, email, letters or messages through other people; and
- order the abuser to stay away from the children, their baby-sitter, day care or schools.

Family Court Orders can also do other things. See *Family Court, Getting the Evidence Together*.

Orders of Protection can also order the suspension or revocation of a license to carry or possess a gun, rifle or any type of firearm. If your abuser has access to such weapons, it is important that you tell the judge and ask that these weapons, and the gun permits, be taken away from your abuser. If your abuser carries a weapon for his job (such as a police officer or a corrections officer) and if he has ever used that gun to threaten you, it is especially important that you report that to the judge.

In general, an Order of Protection from Family or criminal court is in effect for two to five years. While Orders of Protection can be helpful, they cannot guarantee that your partner will stop being abusive or violent. Some abusers choose not to obey them and the Orders have to be enforced. You may have to call police for help, and you may have to go back to court. This should not discourage you from using the law to help make you safe. Know your rights. You are the best judge of whether getting an Order of Protection will be helpful in your situation. Members of abused women's support groups and domestic violence advocates can help you decide whether getting an Order of Protection is a good strategy for you. Your local domestic violence program can also provide help and information if you need assistance in getting an Order of Protection or in having an existing Order enforced. See *Enforcing An Order of Protection*.

Whichever court you choose to use, it is important to remember that you have a right to keep your address confidential. If you have moved to a new, safe location or if you are staying in a domestic violence shelter, you do not have to give the judge or the court your address. They routinely ask for this information, so you will have to say that you are afraid to let your abuser know where you are now living.