

Title 8 Section 401-A

Sec. 401-A. Order of protection.

(a) A temporary order of protection shall be granted to a petitioner who files a sworn petition that states that petitioner is in reasonable apprehension of bodily injury or may be a victim of one of the following offenses:

- (1) kidnaping as defined in 7 CCOJ 210;
- (2) aggravated sexual assault of a child as defined in 7 CCOJ 227;
- (3) aggravated assault as defined in 7 CCOJ 230;
- (4) simple assault as defined in 7 CCOJ 231;
- (5) intimidation as defined in 7 CCOJ 233;
- (6) criminal endangerment as defined in 7 CCOJ 234;
- (7) negligent endangerment as defined in 7 CCOJ 235;
- (8) partner or family member assault as defined in 7 CCOJ 244;
- (9) arson as defined in 7 CCOJ 301;

and is in danger of harm if the Court does not issue a temporary order of protection immediately.

(b) Upon review of a petition filed pursuant to subsection (a), and a finding that the petitioner is in danger of immediate and irreparable injury or harm if the Court does not act immediately, the Court shall issue a temporary order of protection that grants the petitioner appropriate relief. The temporary order of protection may include any or all of the orders listed in Section 402 of this Chapter.

(d)(1) A hearing must be conducted within 10 business days from the date that the Court issues a temporary order of protection. The hearing date may be continued at the request of either party for good cause or by the Court. If the hearing date is continued, the temporary order of protection must remain in effect until the Court conducts a hearing. At the hearing, the Court shall determine whether good cause exists for the temporary order of protection to be continued, amended or made permanent.

(2) The respondent may request an emergency hearing before the end of the 10 business day period by filing an affidavit that demonstrates that the respondent has an urgent need for the emergency hearing. An emergency hearing must be set within 3 business days of the filing of the affidavit.

(3) The temporary order of protection may not be made mutually effective by the Court. The respondent may obtain a temporary order of protection from the petitioner only by filing an application for a temporary order of protection and following the procedure described in this Chapter.

(e)(1) The Court may order that the temporary order of protection remain in effect for an appropriate period of time or permanently. The order may be terminated upon the petitioner's request that the order be dismissed.

(2) The order of protection may include restraining the respondent from any other named family member who is a minor. If this restriction is included, the respondent must be restrained from having contact with the minor for an appropriate period of time as directed by the Court or permanently if the Court finds that the minor was a victim of abuse, a witness to abuse or endangered by the environment of abuse.

(f) Violation of the temporary order of protection or the permanent order of protection is a felony.
(AS PER RESOLUTION NO. 26-1196-2012-08, DATED 8/13/2012.)