

## **Restraining Order Procedures**

A Restraining Order through Magistrate's Court is a civil action, therefore it has to be filed in the Magistrate's office where the defendant resides.

1. If the defendant is a family member you will need to go through Family Court to file for an Order of Protection. Otherwise, the following will apply.
2. State law requires that a pattern of harassment needs to be established to apply for a Restraining Order. You will need to have had at least two or more incidents that have occurred to constitute a pattern of harassment or stalking. One incident usually does not constitute either of these.
3. You will need to fill out a Complaint in the Magistrates office and a hearing date will be scheduled. The defendant has to be served at least 5 days before the hearing.
4. When the defendant has been served with the request for a Restraining Order, you and the defendant will appear before the Judge on your court date. The Judge will hear testimony from all the parties then determine at that time whether the Restraining Order will be issued or not.
5. Please be advised that there is no filing fee when actually filing the request, however, the nonprevailing party (that is the party who the judge does not find in favor of) is responsible for the filing fee after the hearing is held. The filing fee is \$55.00.