

This form must be filed with the court before the hearing or made available to the court at the hearing. The court requires proof that the respondent knows of the restraining order and the hearing. Without that proof—from an unbiased source—the court will not proceed.

WILL THE COURT APPOINT AN ATTORNEY TO REPRESENT ME?

No. This is a civil action. The state or county does not provide attorneys at public expense to represent people in civil actions. You may hire your own attorney to assist you, if you wish.

The court will appoint an attorney (guardian ad litem) for the child victim if the respondent is a parent of the child. The court **may** appoint an attorney (guardian ad litem) for the child victim on its own motion or the motion of a party if the respondent is someone other than a parent of the child.

WHAT HAPPENS AT THE HEARING?

The judge or court commissioner will listen to the evidence. The parties and any witnesses may be sworn to give their version of the events. If there are facts to support the petition, the court will grant the injunction. If there are not enough facts, the court will dismiss the petition.

If the injunction is granted, it can be issued for up to four years. If the respondent appears in court, he/she will be served with a copy of the injunction. If the respondent does not appear, the petitioner will need to have the respondent served with a copy of the injunction.

AFTER THE HEARING

If the injunction is granted, you need to return to the appropriate court office to receive authenticated copies, which will be provided to you for delivery to the Sheriff's Department and your local police agency. If you work in another county, you may wish to provide copies to the Sheriff's Department in that county.

WHAT SHOULD I DO IF THE RESPONDENT VIOLATES THE INJUNCTION?

Immediately call the police. In life-threatening emergencies, dial 911.

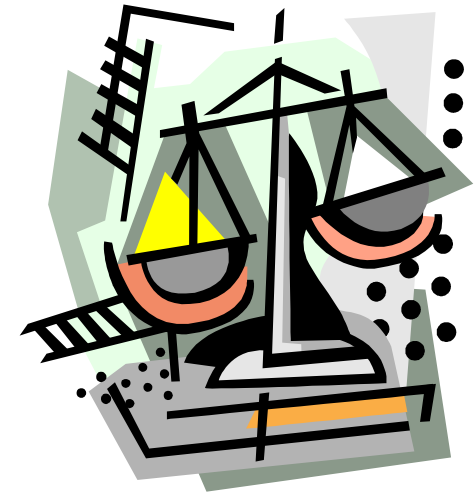
WHO ELSE CAN I CONTACT FOR HELP?

In Washington County, contact Friends of Abused Families at 334-5598 or their crisis lines: 334-7298
334-7725

GF1119 CHILD ABUSE BROCHURE REV. 1/07
(ORIGINAL REPRINTED W/PERMISSION OF HON. GARY CARLSON)

RESTRAINING ORDERS & INJUNCTIONS WHAT THEY ARE & HOW THEY WORK

Child Abuse



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WHAT IS CHILD ABUSE?

Child abuse is defined as any of the following:

- Physical injury inflicted on a child by other than accidental means.
- Sexual intercourse or sexual contact.
- Sexual exploitation of the child.
- Permitting, allowing or encouraging the child to violate the prostitution laws.
- Forcing the child to view sexual activity.
- Exposing genitals or pubic area to the child.
- Causing the child to expose genitals or pubic area.
- Manufacturing methamphetamine with a child physically present or in a child's home or in a motor vehicle on the premises of a child's home or under any other circumstances that the manufacture would be seen, smelled or be heard by a child.
- Emotional damage to the child.

WHAT CAN THE COURT ORDER?

The Court can require the abuser to:

- Avoid the child's residence and/or premises temporarily occupied by the child now and in the future.
- Avoid contacting or causing any person other than a party's attorney to contact the child unless petitioner consents in writing and

the court agrees the contact is in the best interest of the child.

HOW DOES THE ACTION GET STARTED?

A petition is filed in the civil court or the juvenile court in the county where the child resides or is physically present, the petitioner resides, the respondent resides or where the incident(s) of abuse occurred.

A petition is filed in the civil court unless one of the following two exceptions exist:

- The person you are trying to have restrained (the respondent) is under the age of 18, or
- The person you are trying to protect (the child victim) is already the subject of an on-going juvenile court action for protection and services (CHIPS).

A petition may be filed by any of the following:

- The child victim or parent.
- The stepparent of a child victim.
- The legal guardian of a child victim.
- Any governmental or social action agency if the child is currently involved in a juvenile court CHIPS proceeding.

IS THERE A FEE?

No. There is no filing fee to start an action.

WHERE DO I GET THE FORMS?

The juvenile forms are available in the Juvenile Court office, and the civil forms are available in the Clerk of Court's office.

WHAT ABOUT SERVICE OF THE DOCUMENTS?

The documents that are filed must be *served* on the respondent. Someone other than the petitioner must do service. Generally, the sheriff will serve the documents, but a private process server can also do it.

The sheriff cannot charge for service if a filing fee is not required when starting the action. If a filing fee is required, the sheriff can also charge the petitioner a service fee. A private process server will always charge a fee.

WHAT IS AN "AFFIDAVIT OF SERVICE?"

The individual who serves the papers must provide an *affidavit of service* for filing with the court. The affidavit of service is a form prepared and signed under oath by the person who serves the papers on the respondent. The affidavit must recite how, when, where, and on whom service was made.