

Domestic Violence, Protective Orders and Peace Orders

When instances or allegations of domestic violence arise, whether or not they are part of a separation or divorce, our attorneys mobilize to respond quickly and effectively. We work collaboratively with the firm's [Criminal Law](#) attorneys and leverage their experience, courtroom practices and procedures, and social services agencies to craft the best strategy for managing the impact of these issues.

In general, courts can issue a Domestic Violence Protective Order (referred to as a Civil Protection Order in DC) in cases of abuse that cause serious bodily harm or involve an act that places a person in fear of imminent serious bodily harm, assault, certain sexual offenses, false imprisonment or stalking.

Domestic violence protection is available to individuals who have certain relationships to one another, including:

- Current or former spouses
- Cohabitants
- Relatives by blood, marriage or adoption
- Parent/child or stepparent/stepchild relationship

Since a Domestic Violence Protective Order is designed to provide immediate protection from abuse, the time frame for court action is greatly reduced. Anyone in a situation involving abuse or responding to an allegation of abuse should seek competent legal counsel immediately.

Depending on the jurisdiction and a finding of domestic violence, a court may order a variety of relief when issuing a protective order. Relief may include that the alleged abuser:

- Refrain from further abuse or threats of abuse
- Refrain from contacting, attempting to contact or harassing
- Refrain from entering the residence
- Vacate the home shared with the person eligible for relief
- Remain away from the place of employment, school or temporary residence
- Remain away from the residence of any family member
- Remain away from the child care provider
- Surrender firearms
- Participate in a Child Protective Services investigation

Additionally, a judge may order the following other impactful relief:

- Temporary custody of minor children and visitation
- Emergency family maintenance (payment of money)
- Temporary use and possession of vehicle
- Temporary use and possession of the home
- Counseling
- Payment of costs

Individuals are eligible for a protective order if they and the alleged abuser:

- Are current or former spouses
- Have lived together in an intimate relationship for at least 90 days during the past year
- Are related by blood, marriage or adoption
- Are in a parent/child, or stepparent/stepchild relationship and have resided together for at least 90 days during the past year
- Are in a caretaker/vulnerable adult relationship
- Are the parents of a child together
- Have had a sexual relationship within 1 year before the filing of the petition

Domestic violence litigation is not a substitute for divorce litigation. It is designed to protect victims of abuse, whether adults or children. However, a domestic violence finding may have a serious impact on existing or future litigation, especially relating to divorce and custody of children. It is critical that both the alleged victim and the alleged abuser take the process seriously and should have counsel to protect their respective interests.

A Peace Order is available to anyone experiencing problems with an individual, including a neighbor, a stranger or anyone else. The peace order allows the petitioner to ask the Court for an order for the other person to stay away from them and refrain from having any contact.

If an individual is entitled to relief in a protective order hearing, they are not entitled to seek relief under the Peace Order Act.

In an Interim or Temporary Peace Order, the judge can order that the abuser stop abusing you, and/or stay away from you and refrain from contacting you or harassing you at your home, school, job or the place where you may be staying.

In a Final Peace Order, a judge can order any of the above, and can also order counseling, order mediation and/or order the abuser to pay filing fees and court costs.

To consult with a member of our Family Law Team about issues related to Domestic Violence and Protective Orders, [contact us](#).
