

## Is a Restraining Order Appropriate for you?

### Are you ready for separation from your abuser?

If you are not ready for separation or are unwilling to call the police to enforce the restraining order, you should consider other safety precautions.

### Will the abuser obey a restraining order?

A restraining order does not guarantee you will be protected from further violence. It is effective only if the abuser obeys the order, and you enforce it by reporting violations to the police. Consider additional safety measures if you think the abuser will not obey a restraining order.

### Can the abuser be served with court papers?

You must be able to locate the abuser so someone (not you) can personally give the temporary restraining order (TRO) papers to your abuser prior to the court hearing. If the abuser lives in Santa Clara County, the sheriff will do this for free.

### Will you attend the court hearing?

To get up to a five-year restraining order, you must attend a court hearing, held about three weeks after you file your TRO. You can request a support person from Next Door accompany you to the hearing.

If you think a restraining order will work for you, please call Next Door at (408) 501-7550 and ask to speak with a Legal Advocate.

### About Next Door

**N**ext Door Solutions to Domestic Violence is a non-profit, multi-cultural agency dedicated to providing interactive and progressive solutions to domestic violence, addressing all sides of the issue. Serving Santa Clara County since 1971, Next Door offers a range of services to women, men, and children in abusive relationships, starting with emergency intervention and continuing through self-sufficiency. These services contribute to our clients' ability to end the cycle of violence in their lives and the lives of their children.

All phone calls made to Next Door  
will be kept confidential.

**Next Door welcomes all victims of domestic violence. We do not discriminate in the basis of race, color, age, gender, sexual orientation, national origin, religion, military status, pregnancy, or disability.**



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**24-Hour Hotline  
(408) 279-2962**



“You have the power to choose to take legal actions  
in preventing your abuser from coming near you.”



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*English Version*

## About the Legal Program

**N**ext Door recognizes that seeking restraining orders can be a difficult and fearful process for people in abusive situations to handle alone. Thus, Next Door provides legal assistance in attaining a Temporary Restraining Orders TRO and court accompaniment. However, it does not provide legal advice.



## Services

In order to prevent current and future violence against women and children, this organization offers victims of domestic violence legal services that include:

- Assistance with filing Restraining Orders against their abusers
- Court preparation, document preparation and court accompaniments
- Customized safety plans in case of another crisis or emergency
- We can assist with some immigration issues as they pertain to domestic violence.

## What You Should Know About Restraining Orders

A Restraining Order is a court order prohibiting someone from coming near you, contacting you by phone or mail, or assaulting you. It can require your abuser to move out of your house.

If you have children with the person abusing you, the Restraining Order can include custody, visitation, and child support orders.

Violation of a Restraining Order is a crime. You are responsible for enforcing your Restraining Order by reporting any violations to the police.

The first step in obtaining a restraining order is to file for a Temporary Restraining Order (TRO). A TRO lasts about three weeks until a court hearing is held and the judge decides whether to grant you up to a five-year restraining order.

The court does not charge a filing fee for domestic violence restraining orders.

## Procedure

- 1) **Client Advocate appointment**—The first step is getting an appointment with an Advocate. If you decide to follow through with the restraining order process, you then make a second appointment with a Legal Advocate.
- 2) **Legal appointment**—Your appointment lasts approximately two hours. A Legal Advocate will help you fill out the proper forms and write up a description of the abuse. The Legal Advocate can assist you with completing the paperwork but *cannot give you any legal advice*. If you need legal advice, you must contact an attorney.
- 3) **Paperwork**—Next Door will fax-file your paperwork with the court. Once the judge signs the order, the order will be faxed back to Next Door for you to pick up.
- 4) **Court accompaniment**—If you wish, someone from Next Door can accompany you to your hearing to provide information and support.

## Eligibility Guidelines

You are eligible for Next Door's Legal Program services if you:

- Have been a victim of domestic violence including physical abuse or threats of violence by a spouse or former spouse, someone you have dated or have a child with, or is a member of your immediate family.
- Are willing and able to represent yourself throughout the court process.

**If you would like to participate or get more information, please call:**

Office- (408) 501-7550

24-Hour Hotline- (408) 279-2962