

REVIEW PRIOR TO FILING TEMPORARY RESTRAINING ORDER (“TRO”) AND PETITION FOR DOMESTIC ABUSE INJUNCTION

1. **What is a TRO?** A TRO is a court order that prohibits or stops certain behavior from the time of the filing of the Petition until the Injunction hearing is held.
2. **What would cause my TRO to be turned down or denied?** Courts can’t grant TROs based on a hunch. You must show a factual basis for granting a TRO.
3. **What is a factual basis?** This is a written statement plus other evidence (photos/texts/emails/other documents) that show what happened between the Respondent and you. The facts of your written statement and other evidence must provide a valid reason for granting a TRO.
4. **What kind of facts and evidence would provide a valid reason for granting a TRO?** The facts and evidence in the Petition must show two things—the Respondent’s behavior falls into one of the categories listed in the domestic abuse definition AND the Petitioner is in imminent danger. For this reason, it is important to understand how the law defines “domestic abuse” and “imminent danger”.
5. **What is “domestic abuse”?** “Domestic abuse is defined as an intentional infliction of or threat to inflict physical pain, physical injury or illness; impairment of physical condition; damage to personal property; stalking; or sexual contact or sexual intercourse without consent. There must be facts showing an imminent danger of physical harm before a temporary restraining order can be issued.”

By way of example, the use of profanity and name calling may be hurtful, but this behavior alone isn’t “domestic abuse” according to the statutory definition.

6. **What is “imminent danger”?** Imminent danger means the Petitioner is in immediate or foreseeable danger.

Before a court may issue a TRO—which can remove a Respondent from his/her residence—the Petition must include information showing the Petitioner is at risk of immediate and severe harm.

7. **Now that I understand the definitions of “domestic abuse” and “imminent danger,” I’m ready to write my statement. What details should I include?**
 - a. Respondent’s name and how you know him or her.
 - b. When it happened: month/date/year or general timeframe—such as July 2019 or Fall 2019.
 - c. Where it happened.
 - d. What happened: Don’t state a conclusion: he caused me pain; Give ex: He hit my lip and it hurt.
 - i. Did the Respondent intentionally cause you or threaten to cause you:
 - a. Physical pain, physical injury or illness,
 - b. Impairment of physical condition, or
 - c. Damage to your personal property?

- ii. Did the Respondent stalk you or threaten to stalk you?
- iii. Did the Respondent threaten to or have sexual contact or sexual intercourse with you without your consent?
- e. Who did what to whom? (see above list)
- f. What is the immediate danger to you?
(Bad behavior by Respondent's family or friends is not relevant and should not be included.)

8. **What if there was more than one incident?** You should include a description of each event. Insert all the details listed in Paragraph 5 in your written statement.

9. **The TRO petition only provides two lines to write my statement. Does this mean I should limit my description to this amount of space?** No. The TRO form indicates you should attach additional pages if necessary to describe the concerning behavior. If you chose to add extra pages, find the box in Paragraph 4 at the lower right side and insert a check mark.

Look for: **See attached**

10. **Can my TRO and/or Injunction prevent the Respondent from engaging in behavior against others besides me?** No. Both the TRO and Injunction can cover only one Petitioner and one Respondent. Each person who is an eligible victim must file his or her own petition. However, the Court may hear two petitions at the same injunction hearing, if the respondent is the same person.

11. **Does my written statement have to be typed?** No. A typed document is easier to read but not required. If you handwrite your statement, please make sure it is legible and written in BLACK ink. Your document will be scanned into an electronic court file. Ink in different colors does not scan well, and your document will be difficult to read if you use blue, red or other colored ink. Do not use pencil for the same reasons.

12. **Should I attach more than my written statement to the TRO/Petition?** Documentation that supports the factual basis of your TRO should be attached to your Petition. Photos, emails, and text messages can be considered as evidence at the Injunction hearing. Police reports and CCAP entries alone are not evidence.

13. **Should I bring copies of my Petition attachments (photos/screenshots of text messages/emails) or other evidence to the Injunction hearing?** Yes. You should bring THREE copies of each item that you plan to use as your evidence. Three copies are necessary, because they will be distributed to the court official, the respondent, and you will want a copy for yourself.

If you want the court to review video or audio recordings, you will need to bring a laptop to play this information. For security reasons, the Court will not insert any device for viewing/listening into its computer. Please bring a USB flash drive with the exact recording used in court. This device will be kept by the court if the recording is deemed admissible evidence.