



NEW YORK

Each state has different requirements for getting a civil domestic violence protective order. Because it severely impedes teen victims' access to domestic violence protective orders, New York's grade for protecting teen victims of dating and domestic violence is an F.

Do I Qualify for an Order of Protection in New York?

Type of Relationship

In order to qualify for an order of protection, the abuser must be someone:

- You have a child with¹
- You are related to by blood or marriage³
- You are married to or used to be married to²

Type of Abuse⁴

A judge is allowed to give you an order of protection when your abuser has:

- Physically abused you
- Threatened physical abuse
- Attempted to physically abuse you
- Stalked you

Age

If you are 18 or older, you can obtain an order of protection yourself without an adult's permission. If you are under 18, the law does not say who can file for you. It will be up to the individual courts and judges whether you can get an order of protection without your parent's permission. Check with a local domestic violence organization to see how your local courts handle minors who want orders of protection.

How Do I Get an Order of Protection?

If you want an order of protection, you can go to the court and file for temporary order of protection. If the judge gives you a temporary order, you will have to attend another hearing where the judge can grant you a permanent order of protection. This lasts up to two years under normal circumstances or five years under especially dangerous circumstances.⁵

What Can I Ask for in an Order of Protection?

You may ask the court for the following in an order of protection:

- The abuser must stay away from your home, school, work, or any other specific places.⁶
- Child custody and visitation⁹
- The abuser must stay away from your spouse, parents, or children.⁷
- Child support¹⁰
- Money for damages caused by the abuser⁸
- Counseling for the abuser at abuser's expense¹¹
- Attorneys fees¹²

How Much Will It Cost?

It is free.

You have the right to a safe and healthy relationship..
free from violence and free from fear.

¹ N.Y. Fam. Ct. Act § 812(1)(d) (2007).

² *Id.* §812(1)(b), (c).

³ *Id.*

⁴ *Id.* § 812(1).

⁵ *Id.* § 842.

⁶ *Id.* § 842(a).

⁷ *Id.*

⁸ *Id.* § 841(e), (i).

⁹ *Id.* § 842.

¹⁰ *Id.* § 842.

¹¹ *Id.* § 842(g).

¹² *Id.* § 842(f).

You have the right to a safe and healthy relationship..
free from violence and free from fear.