

COBB COUNTY

PROCESS TO OBTAIN A TEMPORARY PROTECTIVE ORDER

**If you are in immediate
danger, contact 911**

Days and Hours to Apply:
Monday – Friday, 8:30 a.m. –
4:00p.m.

Place to Apply: Cobb County
Superior Court, 32 Waddell Street,
4th Floor, Suite 402, Marietta, Ga.
30090

(770) 528-8024

WHAT CONSTITUTES “FAMILY VIOLENCE”?

Georgia law defines “Family Violence” as the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) Any felony: or (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

WHAT CONSTITUTES “STALKING”?

Georgia law states, “A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.”

NOTE: It is not necessary for the parties to have lived together to obtain a TPO for stalking.

LEGAL CRITERIA

Georgia law states, “Upon the filing of a verified petition in which the petitioner alleges with specific facts that probable cause exists to establish that family violence has occurred in the past and may occur in

the future, the court may order such temporary relief ex parte as it deems necessary to protect the petitioner or a minor of the household from violence.”

WHAT IS A TEMPORARY PROTECTIVE ORDER?

A Temporary Protective Order (TPO) is a civil order issued by a Superior Court Judge for the protection of victims of Family Violence or Stalking.

Pursuant to O.C.G.A. 19-13-4, a temporary protective order can:

- (1) Direct a party to refrain from committing acts of family violence or stalking;
- (2) Grant a spouse possession of the residence or household of the parties and exclude the other spouse from the residence or household;
- (3) Require a party to provide suitable alternative housing for a spouse, former spouse, or parent and the parties’ child or children;
- (4) Award temporary custody of minor children and establish temporary visitation rights;
- (5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent’s eviction has not been ordered;

(6) Order either party to make payment for the support of minor children as required by law;

(7) Order either party to make payments for the support of a spouse as required by law;

(8) Provide for possession of personal property of the parties;

(9) Order a party to refrain from harassing or interfering with the other;

(10) Award costs and attorney's fees to either party;

(11) Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

WHO IS ELIGIBLE TO APPLY FOR A TPO?

Before an application for a TPO can be made, an act of family violence or stalking must have occurred. The following parties are eligible to apply:

- Spouses (present or past)
- Parents of the same children
- Parents and children
- Step-parents and step-children
- Foster parents and foster children
- Persons living or formerly living in the same household

- Stalking victims may apply for a TPO even if one of the above relationships does not exist.

WHERE DOES THE TPO APPLY?

Pursuant to O.C.G.A. 19-13-4 "A protective order issued shall apply and shall be effective throughout this state."

HOW IS A TPO OBTAINED?

The first step in obtaining a TPO is the application process. A representative (advocate) of the YWCA is available Monday – Friday, 8:30 a.m. – 4:00 p.m., to assist citizens to complete the required paperwork to apply for a temporary protective order. The advocate is located in the Cobb County Superior Court Building, 32 Waddell Street, 4th Floor, Suite 402, Marietta, Georgia 30090, (770) 528-8024.

Petitions for TPOs are heard twice daily in the Cobb County Superior Court by a Senior Superior Court Judge, Monday – Friday (excluding holidays) at 11:00 a.m. and 3:00 p.m. **(NOTE: Persons seeking protective orders should report to the advocate in Superior Court at least an hour and a half prior to noted hearing times. Late arrival may delay the petition being heard until the following business day.)**

If there is a finding by the judge that there is probable cause to believe that an act of

family violence has occurred in the past and may occur in the future, the Court may order such relief as is deemed appropriate.

After the responding party has been served with a copy of the temporary protective order by the Sheriff's Department, a hearing will be held within approximately 7 to 10 days. Both parties will have the opportunity to be present at the hearing where a Superior Court Judge will determine based on evidence presented whether or not the protective order will continue to be in effect for up to 12 months. These hearings are held on Fridays at 9:00am.