

NEWTON COUNTY SUPERIOR COURT

WHAT IS A STALKING TEMPORARY PROTECTIVE ORDER?

A Stalking Temporary Protective Order is a document signed by a Superior Court Judge which orders a person who has committed stalking to keep away from his or her victim. A person commits stalking when that person has established a pattern of harassing and intimidating behavior which places a person in fear for his or her safety. Examples of stalking include placing another under surveillance, or repeatedly contacting another without that person's consent with the intent to intimidate the person.

ARE YOU ELIGIBLE FOR A STALKING TPO?

- 1) You must be eighteen (18) years old. If you are under 18, you must have an adult file the petition on your behalf.
- 2) The stalker must be a resident of Newton County. However, if the stalker lives in a state other than Georgia, you may file the Stalking TPO in the county where the stalking behavior occurred.
- 3) You must be in reasonable fear for your own safety or the safety of a member of your immediate family because of the stalker's harassing and/or intimidating behavior.

IF YOU MEET THESE REQUIREMENTS, YOU MAY FILL OUT THE PAPERWORK

IN THE SUPERIOR COURT OF NEWTON COUNTY

STATE OF GEORGIA

_____)	Case No.: _____
Petitioner,)	
)	
v.)	
)	
_____)	
Respondent.)	

Affirmation

I have asked the Court to issue an emergency order for protection from the Respondent. He/She is not here and doesn't even know I have come to petition the Court for this order. He/She has a right to have his/her side of the matter heard within 30 days. The order I am asking the Court to enter is only good for 30 days, but it will set the day of the next hearing, when I and the Respondent must be present. I hereby affirm the following three things:

1. I will be present at the next hearing. _____ (*Initials of Petitioner*)
2. I will not have any contact with the Respondent by telephone, beeper, mail, or any other way, because this will cause him/her to violate this order. _____ (*Initials of Petitioner*)
3. I will contact the sheriff if the Respondent violates this order, and I will try to get a witness or evidence that he/she violated the order. _____ (*Initials of Petitioner*)

Affirmed this _____ day of _____, 20 _____.

Signature of Petitioner

Signature of Witness

Print name of Witness

IN THE SUPERIOR COURT OF NEWTON COUNTY

STATE OF GEORGIA

Petitioner,

Civil Action File

No. _____

v.

Respondent.

PETITION FOR STALKING TEMPORARY PROTECTIVE ORDER

The Petitioner, pursuant to O.C.G.A. § 16-5-94, hereby files this Petition for a Stalking Temporary Protective Order and in support shows the Court the following:

1. The Petitioner is a resident of _____ County, Georgia, and is over the age of 18 years of age or is an emancipated minor.

2. The Respondent is a resident of _____, Georgia and may be served at _____, _____ County, Georgia.
OR
- 2a. Respondent is a resident of the State of _____. Under O.C.G.A. §§ 19-13-2(b) and 16-5-94(6) jurisdiction and venue are proper with this Court because the stalking occurred in the State of Georgia in _____ County and the Petitioner lives in _____ County. Respondent is subject to the jurisdiction of this Court and may be served at _____

and similar events may occur in the future. These acts had no legitimate purposes, happened at places other than the residence of the Respondent, where without the consent of the Petitioner, and placed Petitioner in reasonable fear for her/his own safety and/or the safety of her/his immediate family.

3. On or about _____, 20 __, the Respondent has knowingly and willfully committed the following acts of stalking under O.C.G.A. §§ 16-5-90 et seq.: _____

and similar events may occur in the future. These acts had no legitimate purposes, happened at places other than the residence of the Respondent, were without the consent of the Petitioner, and placed Petitioner in reasonable fear for her/his own safety and/or the safety of her/his immediate family.

THEREFORE, Petitioner requests:

- a) That the Court set a hearing no later than thirty (30) days from the filing of the Petition and direct Respondent to appear before this Court and show any reasons why the demands of the Petitioner should not be granted;
- b) That the Respondent be served a copy of this Petition and Ex Parte Protective Order as required by law;
- c) Order law enforcement to enforce the order;
- d) That this Court issue a Temporary Protective Order to:

_____ order Respondent to stop harassing and intimidating Petitioner and her/his immediate family;

_____ order Respondent not to have any direct or indirect contact with the Petitioner and her/his immediate family;

_____ order Respondent be enjoined from approaching within 500 yards of Petitioner and Petitioner's residence;

_____ order Respondent to refrain from the conduct toward the Petitioner as stated in this Petition;

_____ order Respondent to receive appropriate psychiatric or psychological services;

_____ award the Petitioner costs and attorney fees for having to bring this action.

Respectfully submitted,

Petitioner

Address: _____

Phone: _____

(Do not give current address if confidential,
give alternative address)

Respondent Identifying Fact Sheet
Complete as much as possible

Respondent's social security number is _____, date of birth is _____,

Sex _____, color of hair _____, color of eyes _____, height _____,

Weight _____. Respondent's race is _____. Ethnic background _____.

Respondent drives a _____, license tag number _____ and has a _____

(state) driver's license number _____. Respondent has distinguishing marks (tattoos, scars,
etc.) _____.

Respondent's home address _____ and is employed by _____ at

_____ and works from _____ to _____ on (days)

IN THE SUPERIOR COURT OF NEWTON COUNTY

STATE OF GEORGIA

Petitioner,

Civil Action File

No. _____

v.

Respondent.

VERIFICATION

Personally appeared _____, who being duly sworn states that she/he is the Petitioner in the above styled case and that the facts set forth in the foregoing Petition for Stalking Temporary Protective Order are true and correct.

Petitioner

Sworn and subscribed before
me this ____ day of _____, 20____.

NOTARY PUBLIC

My commission expires:

ORI Number _____

STATE OF GEORGIA

Petitioner,

Civil Action File

No. _____

v.

Respondent.

STALKING EX PARTE TEMPORARY PROTECTIVE ORDER

Upon proceedings before me, the Petitioner having demanded pursuant to O.C.G.A. 16-5-94 that a Protective Order be issued; and alleged that Respondent has knowingly and willfully committed or attempted to commit acts in violation of O.C.G.A. 16-5-90 *et seq.*, and such acts were not at the home of the Respondent, had no legitimate purpose and that Petitioner is in reasonable fear of her/his safety and/or the safety of her/his immediate family; and it appearing to the Court that probable cause exists to believe that similar events will occur in the future;

IT IS HEREBY ORDERED AND ADJUDGED:

1. That Respondent is enjoined and restrained from any acts directly or indirectly which harass and/or intimidate the Petitioner or her/his immediate family.
2. That Respondent is enjoined from approaching within 500 yards of Petitioner.
3. That Respondent have no contact of any type, direct or indirect, or through another person with Petitioner, or her/his immediate family, including but not limited to telephone, pager, fax, e-mail, mail or any other means of communication.

4. That the Respondent appear before Judge _____, on the _____ day of _____, at _____ a.m. in court room _____ on the 2nd floor of the Newton County Judicial Center @ 1132 Usher Street, Covington, GA 30014 to show cause why the requests of the Petitioner should not be granted.

Civil Action File No. _____

5. That a copy of this Order be given to local law enforcement and the Respondent be served with a copy of this Order and Petition for Stalking Temporary Protective Order instanter.
6. That this Order applies in every county throughout the State and it shall be the duty of every Court and every law enforcement official to enforce and carry out the provisions of this Order pursuant to O.C.G.A. 16-5-94(e) and 19-13-4(d). Law Enforcement may use their arrest powers pursuant to O.C.G.A. 16-5-91 and 17-4-20 to enforce the terms of this Order.
7. That these proceedings be filed in the office of the Clerk of this Court.
8. That this Court determined that it had jurisdiction over the parties and the subject matter under the laws of the State of Georgia and the Court ordered that the Respondent be given reasonable notice and opportunity to be heard sufficient to protect the Respondent's due process rights and this Order shall be presumed valid and pursuant to 18 U.S.C. 2265(a) shall be accorded **full faith and credit** by any other state or local jurisdiction and shall be enforced as if an Order of the enforcing state or jurisdiction.

SO ORDERED this ____ day of _____, 20____.

JUDGE, SUPERIOR COURT

NEWTON County

Print or stamp Judge's name

Violation of the above Order may be punishable by arrest.

Note to Judges: This form is promulgated as a Uniform Superior Court Rule under the auspices of O.C.G.A. 19-13-53. To order a specific provision, please initial in the space provided. The Court should delete or otherwise make inoperative any provision in the standardized form which is not supported by the evidence in the case ad in order to comply with the court's application of the law and facts to an individual case.

NOTICE TO RESPONDENT

1. Violation of this Order may result in immediate arrest and criminal prosecution that may result in jail time and/or fines and/or may subject you to prosecution and penalties for Contempt of Court.
2. This Order shall remain in effect unless specifically superseded by a subsequent signed and filed Order, by operation of law, or by Order of dismissal, whichever occurs first. Only this Court can void, modify, or dismiss this Order. Either party may ask this Court to change or dismiss this Order.
3. A person commits the offense of Aggravated Stalking when such person, in violation of a temporary or permanent protective Order prohibiting this behavior follows, places under surveillance, or contacts Petitioner on public or private property for the purpose of harassing and intimidating the other person. This activity can subject the Respondent to arrest and prosecution for felony Aggravated Stalking, which carries penalties of imprisonment for not less than 1 year nor more than 10 years and a fine of up to \$10,000.00

RESPONDENT'S IDENTIFYING FACT SHEET

(Please complete as much as possible; one of these must be provided to have the order placed in the National Crime Information Center registry: Respondent's date of birth, social security number, or driver's license number)

Respondent's social security number is _____ - _____ - _____, date of birth is _____, sex _____, color of hair _____, color of eyes _____, height _____, weight _____. Respondent's race is _____, ethnic background _____. Respondent has distinguishing marks (tattoos, scars, etc.) _____. Respondent drives a _____, license tag number _____ and has a _____ (state) driver's license number _____. Respondent's home address _____ and is employed by _____ at _____ and works from _____ to _____ on (days) _____.

PETITIONER'S IDENTIFYING INFORMATION

Protected parties: _____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____
_____ DOB _____ sex _____ race _____

Transmitted to Georgia Protective Order Registry Date _____ Clerk _____

Pursuant to O.C.G.A. 19-13-3,
Petitioner assisted by

Newton County District Attorney's Office
1132 Usher Street
Covington, Georgia 30014