

Q: What should I do if I am hit or threatened?

A: In an emergency, call 911.

Q: How can I stay safe?

A: Safety first! If you decide to leave the abuser, call your local domestic violence (DV) program at (315) 866-0458 for help making a plan to do so safely. You and your children may be able to go to a DV shelter. If you have pets, some shelters will also help you find a safe place for your pets to stay.

Whether you decide to stay or leave, you need a "safety plan." It could save your life! Call the DV program for help. Update your safety plan every time your situation changes.

Q: What is an order of protection?

A: It is a court order signed by a judge. The order prohibits the abuser from threatening, abusing, or acting violently towards you. It may also require the abuser to stay away from you, your children, your home, your pets and your job.

Q: What court do I go to?

A: There are 3 different courts where you can get an order of protection:

- criminal court
- family court
- supreme court (in a divorce case)

Filing for an order of protection is free.

Q: Do I have to be physically hurt?

A: No. If someone is threatening you or your children by words or actions, you can ask for an order of protection.

Q: Who can get orders of protection?

A: Both men and women have equal rights to get orders of protection.

You may also ask for an order of protection for your children, if they are under the age of 18. In family court, you can file on behalf of a relative by blood or marriage, if you believe he or she is in danger.

Q: How do I get a criminal court order of protection?

A: Call the police and file a criminal complaint with them. Tell the police you want an order of protection, and they will contact the District Attorney's office.

Q: How do I get a family court order of protection?

A: You can go to family court if:

- you are married to the abuser OR
- you have a child together OR
- you have a blood relationship with the abuser OR
- you have an intimate relationship with the abuser (this includes same-sex relationships)

The first step is to fill out a petition and file it with the family court clerk in your county. Call your local DV program at (315) 866-0458, or ask for help from the DV advocate at the courthouse.

Bring your ID. In your petition, write down what the abuser did. Be specific! If possible, include dates and times when the abuse happened. Write down what you want the judge to do to protect you and your children.

Q: What if I'm already in court for a divorce?

A: You can ask for an order of protection in supreme court, as part of your divorce case. Talk to your divorce lawyer.

Q: If I'm in danger, can I get an order of protection right away?

A: A judge can give you a temporary order of protection right away. To get

one, you may need to go in front of the judge when you file your petition. If family court is not in session, you can get a temporary order of protection from your local criminal court or town justice.

Q: What does an order of protection do?

A: An order of protection can order the abuser not to assault you or come near your home, job, children's school or daycare, pets, etc. It may order the abuser not to speak to you in person, by phone, mail, text, or e-mail. It may also order the abuser not to threaten you. If you live with your abuser, it can order him or her to leave the home. A family court or supreme court order may also give you temporary custody of your children. If you want permanent custody, you must file a custody petition with the court.

NOTE: The order does not give you ownership of your home, or any property you co-own with the abuser.

Q: How long does an order of protection last?

A: A criminal court order typically lasts 1 year, but can last up to 5 years (or even longer, in extreme cases). If you have a "temporary" order, it will expire on a certain date, unless you ask the court to extend it. A family court order typically lasts 1 to 2 years, but can last up to 5 years. You can ask the court to extend the order for a longer time, if you have good cause. If you don't want the order anymore, you must go back to court.

Q: What should I do with my order of protection?

A: Make copies. Keep a copy at home, at work, in your car, and with a trusted relative or friend. If the order covers your children, make sure their school and daycare have a copy. Include a picture of the abuser with each copy, if you can.

Q: Do I have to wait until I'm physically hurt to file for a violation?

A: No! If the abuser does anything forbidden in the order, it's a violation. Call the police. Then, you must decide whether to file a violation petition with family court, or go to criminal court to file a complaint, or both.

Q: What happens when the abuser is found in violation?

A: If the abuser violates a family court order, he or she could go to jail for up to 6 months or be fined. If the abuser violates a criminal court order, he or she could go to jail for up to 1 year. If this isn't the first time the abuser has violated a criminal court order (or if you were physically hurt, or your property was damaged) the abuser could even go to state prison. You can find out when the abuser is getting out of jail by calling VINE-NY at 1-888-846-3469. Visit www.Vinelink.com to sign up for alerts by phone, text, email and TTY.

Safety Tips

- Always carry a cell phone. Put 911 and the police on speed dial.
- Change your locks, and always keep your home and car doors locked.
- Change up your routine, and try not to go out alone (especially at night).
- Keep an emergency box with a trusted relative or friend. Include ID, copies of important documents, clothes, an extra set of keys, credit cards, money, etc.
- Give your co-workers, neighbors and friends a "code word" and a special signal (such as pulling down a certain window shade) that means "call the police."
- Get a security system and outdoor lights.
- Check out the "Stay Safe" app for your phone at: <https://personalapp.staysafeapp.com/>
- Install smoke & CO2 detectors at home.
- Make a complete "safety plan" with your local DV program, and update it often.