

# GEORGIA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Georgia, there are 3 types of civil protection orders:

- Dating Violence Orders** are available for individuals seeking protection from a domestic partner including, but not limited to, a spouse, dating relationship, or parent of their child (Ga. Code § 19-13A.).
- Family Violence Intervention Orders** are available for individuals seeking protection from any individual who has harassed them; harassment includes sexual violence (Ga. Code § 19-13.).
- Stalking Orders** are available for individuals experiencing stalking (Ga. Code § 16-5-90, et.al.).



# DATING VIOLENCE

<p><b>Who can apply?</b></p>	<p>Any person in a <b>dating relationship</b> who is the subject of <b>dating violence</b>.</p> <p><b>Dating violence</b> means: Any felony or battery, assault, or stalking, between people whom a current pregnancy has developed or who are currently, or within the last 12 months were, in a dating relationship. <i>Ga. Code § 19-13A-1.</i></p> <p>See “Who can be Restrained?” for the definition of a <b>dating relationship</b>.</p>
<p><b>Can minors apply?</b></p>	<p>Not addressed in the statute.</p>
<p><b>Who can be restrained?</b></p>	<p>Any person in a <b>dating relationship</b> who commits <b>dating violence</b>.</p> <p>A <b>dating relationship</b> is: A committed romantic relationship characterized by a level of intimacy that is not associated with mere friendship. <i>Ga. Code § 19-13A-1.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>The court may:</p> <ul style="list-style-type: none"> <li>• Order the respondent to stop committing dating violence;</li> <li>• Provide for possession of personal property of the parties;</li> <li>• Order the respondent to refrain from harassing or interfering with the petitioner;</li> <li>• Award costs and attorney’s fees to either party; or</li> <li>• Order the respondent to receive appropriate psychiatric, psychological, or educational services to prevent recurrence.</li> </ul> <p><i>Ga. Code § 19-13A-4(b).</i></p>



## DATING VIOLENCE

<p><b>How long does the order last?</b></p>	<p>1 year. <i>Ga. Code § 19-13A-4(d).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes, after a motion, notice to the respondent, and a hearing, the court can make the temporary order effective for 3 years or make the order permanent. <i>Ga. Code § 19-13A-4(d).</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>No, the order can be issued without a hearing with the respondent.</p> <p>However, within 10 days of filing the petition, the court will hold a hearing. If one is not held within this period, the petition will be dismissed. If a hearing cannot be held within 10 days, it must be scheduled as soon as possible and no more than 30 days after filing the petition.</p> <p>The respondent is notified and expected to attend this hearing. <i>Ga. Code § 19-13A-3.</i></p>



# FAMILY VIOLENCE INTERVENTION

<p><b>Who can apply?</b></p>	<p>A person who is not a minor may seek relief under this article by filing a petition with the superior court alleging one or more acts of <b>family violence</b>. A person who is not a minor may also seek relief on behalf of a minor by filing such a petition.  <i>Ga. Code § 19-13-3(a).</i></p> <p><b>Family violence</b> is defined as occurrence of any of the following between those with a specific family relationship:</p> <ul style="list-style-type: none"> <li>• Any felony;</li> <li>• Battery or simple battery;</li> <li>• Assault or simple assault;</li> <li>• Stalking;</li> <li>• Criminal property damage;</li> <li>• Unlawful restraint; or</li> <li>• Criminal trespass.</li> </ul> <p><i>Ga. Code § 19-13-1.</i></p> <p>See “Who can be Restrained?” for the eligible relationships.</p>
<p><b>Can minors apply?</b></p>	<p>No, but a person who is not a minor may seek relief on behalf of the minor by filing a petition.  <i>Ga. Code. § 19-13-3(a).</i></p>
<p><b>Who can be restrained?</b></p>	<p>An individual with one of the following eligible relationships with petitioner:</p> <ul style="list-style-type: none"> <li>• Past or present spouses;</li> <li>• Persons who are parents of the same child;</li> <li>• Parents and children;</li> <li>• Stepparents and stepchildren;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>



## FAMILY VIOLENCE INTERVENTION

<p><b>Who can be restrained?</b></p>	<ul style="list-style-type: none"> <li>• Foster parents and foster children; or</li> <li>• Other persons living or formerly living in the same household.</li> </ul> <p><i>Ga. Code. § 19-13-1.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>The court may:</p> <ul style="list-style-type: none"> <li>• Direct the respondent to stop;</li> <li>• Grant possession of the residence to one party and exclude the other from the residence;</li> <li>• Require a party to provide suitable alternate housing for a spouse, former spouse, or parent and the parties' child or children;</li> <li>• Award temporary custody of minor children;</li> <li>• Order the eviction of a party from the residence or household;</li> <li>• Order either party to make payments for support of minor child or a spouse;</li> <li>• Provide for possession of personal property;</li> <li>• Order the respondent to refrain from harassing or interfering with the victim; or</li> <li>• Order respondent to receive psychiatric or psychological services.</li> </ul> <p><i>Ga. Code § 19-13-4(a)(1-11).</i></p>
<p><b>How long does the order last?</b></p>	<p>1 year.</p> <p><i>Ga. Code § 19-13-4(c).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes, after a motion from the petitioner, notice to the respondent, and a hearing, the court may extend the order for up to 3 years or make the order permanent.</p> <p><i>Ga. Code § 19-13-4(c).</i></p>



## FAMILY VIOLENCE INTERVENTION

**Is a hearing with the respondent required?**

No, the order can be issued without a hearing with the respondent.

However, within 10 days of filing the petition, the court will hold a hearing. If one is not held within this period, the petition will be dismissed. If a hearing cannot be held within 10 days, it must be scheduled as soon as possible and no more than 30 days after filing the petition.

The respondent is notified and expected to attend this hearing.  
*Ga. Code § 19-13-3(b-c).*



# STALKING ORDER

<p><b>Who can apply?</b></p>	<p>A person who is not a minor who alleges <b>stalking</b> by another person may seek a restraining order by filing a petition alleging conduct that constitutes stalking.</p> <p><b>Stalking</b> means: Following, placing under surveillance, or contacting another person without the consent of the other person for the purpose of harassing and intimidating the other person. <i>Ga. Code § 16-5-90(a).</i></p>
<p><b>Can minors apply?</b></p>	<p>No, but a person who is not a minor may seek relief on behalf of the minor by filing a petition. <i>Ga. Code § 16-5-94(a).</i></p>
<p><b>Who can be restrained?</b></p>	<p>A person who commits the offense of stalking. <i>Ga. Code § 16-5-90.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>The court may:</p> <ul style="list-style-type: none"> <li>• Direct a party to refrain from such conduct;</li> <li>• Order a party to refrain from harassing or interfering with the other;</li> <li>• Award costs and attorney’s fees to either party; or</li> <li>• Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of stalking.</li> </ul> <p><i>Ga. Code 16-5-94(d).</i></p>
<p><b>How long does the order last?</b></p>	<p>One year. <i>Ga. Code § 16-5-94(e).</i></p>



## STALKING ORDER

<p><b>Can the order be renewed?</b></p>	<p>Yes, after a motion from the petitioner, notice to the respondent, and a hearing, the court may extend the order for up to 3 years or make the order permanent. <i>Ga. Code § 16-5-94(e).</i></p>
<p><b>Is a hearing with the respondent required?</b></p>	<p>No, the order can be issued without a hearing with the respondent.</p> <p>However, within 10 days of filing the petition, the court will hold a hearing. If one is not held within this period, the petition will be dismissed. If a hearing cannot be held within 10 days, it must be scheduled as soon as possible and no more than 30 days after filing the petition.</p> <p>The respondent is notified and expected to attend this hearing. <i>Ga. Code § 16-5-94(e).</i></p>

## HOW TO APPLY

File a petition to the Clerk's Office of the Superior Court of the county where the respondent resides.

Fillable forms can be found on the GA Clerk's website, here: <https://www.gsccca.org/file/family-violence-forms>

SCAN ME!



**For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!**

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