

Ex Parte Temporary Orders of Protection

§9-15-202

Fees and costs may be assessed at the full hearing. **Fees and costs shall not be assessed against the abused unless** the allegations of abuse are determined to be false after a separate hearing.

§9-15-206

Ex Parte Temporary Orders of Protection **must** be entered when a petitioner alleges:

- An immediate and present danger of domestic abuse OR
- Respondent is scheduled to be released from incarceration within 30 days AND upon respondent's release there will be an immediate and present danger of domestic abuse

§9-15-206

Note: Denial of ex parte temporary order does not deny petitioner right to a full hearing on the merits

§9-15-206

Immediate and present danger found by a preponderance of the evidence includes but is not limited to:

- Physical harm,
- Bodily injury,
- Assault, or
- Infliction of fear of imminent physical harm, bodily injury or assault

§9-15-204

A **hearing shall** be held within 30 days of filing on the petition or the next court date, whichever is later.

§9-15-205

Note: Incarceration or imprisonment of abusing party shall not bar the court from issuing an ex parte temporary order of protection

§9-15-205

Relief available from the court:

- Exclude abusing party from shared residence of the victim;
- Exclude abusing party from victim's place of employment, school, or other location;
- Award temporary custody and visitation (see UCCJEA and Full Faith & Credit card);
- Award temporary child or spousal support (this may include payments of rent, car payments and insurance);
- Award attorney's fees to prevailing party;
- Prohibit abusing party from contacting victim directly or through an agent except under specific named conditions;
- Direct care for and control of pets in the household; and
- Order other relief necessary for the protection of family or household members, which may include enjoining or restraining abusing party from doing, attempting to do, or threatening to do an act injuring, mistreating, molesting or harassing the petitioner

§9-15-204

Service of respondent **shall** occur 5 days prior to the date of the hearing. If respondent is not served:

- New hearing date may be set
- Ex Parte Order continued until date of new hearing

§9-15-206

Note: Relief provided in a final Order of Protection **may** be granted in an Ex-Parte Order of Protection