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## NEW YORK

**Each state has different requirements for getting a civil domestic violence protection order. Because it makes protection orders difficult for teens to obtain, New York's grade for protecting teen victims of domestic and dating violence is a C.**

### Do I Qualify for a Protection Order in New York?

#### Type of Relationship

In order to qualify for a protection order, the abuser must be someone:

- You date or used to date<sup>1</sup>
- You are living with or used to live with, in an intimate relationship<sup>2</sup>
- You have a child with<sup>3</sup>
- You are married to or used to be married to<sup>4</sup>
- You are related to by blood or marriage<sup>5</sup>

#### Type of Abuse<sup>6</sup>

A judge may issue you a protection order when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Threatened physical abuse
- Stalked you

#### Age

If you are 18 or older, you can obtain a protection order yourself without an adult's permission. If you are under 18, the law does not say who can file for you. It will be up to the individual courts and judges whether you can get a protection order without your parent's permission; judges' interpretation of the law may differ in courts around the state.<sup>1</sup> Check with a local domestic violence organization to see how your local courts handle minors who want protection orders.

### How Do I Get a Protection Order?

If you want a protection order, you can go to the court and file for temporary protection order. If the judge gives you a temporary order, you will have to attend another hearing where the judge can grant you a permanent protection order. This lasts up to two years under normal circumstances or five years under especially dangerous circumstances.<sup>7</sup>

### What Can I Ask for in a Protection Order?

You may ask the court for the following in a protection order:

- The abuser must stay away from your home, school, work, or any other specific places.<sup>8</sup>
- The abuser must stay away from your spouse, parents, or children.<sup>9</sup>
- Money for damages caused by the abuser<sup>10</sup>
- Child custody and visitation<sup>11</sup>
- Child support<sup>12</sup>
- Counseling for the abuser at abuser's expense<sup>13</sup>
- Attorneys fees<sup>14</sup>

### How Much Will It Cost?

It is free.

<sup>1</sup> Judges may look to New York's Civil Practice Law and Rules for guidance, which advises courts to consider a minor's competency before the court. A judge may appoint a guardian ad litem or allow a minor to proceed with an attorney or law guardian, with or without parental consent.

You have the right to a safe and healthy relationship...  
free from violence and free from fear.

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<sup>1</sup> N.Y. Fam. Ct. Act § 812(1)(e) (2007

<sup>2</sup> *Id.* § 812(1)(e).

<sup>3</sup> *Id.* § 812(1)(d).

<sup>4</sup> *Id.* §812(1)(b), (c).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* § 812(1).

<sup>7</sup> *Id.* § 842.

<sup>8</sup> *Id.* § 842(a).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* § 841(e), (i).

<sup>11</sup> *Id.* § 842.

<sup>12</sup> *Id.* § 842.

<sup>13</sup> *Id.* § 842(g).

<sup>14</sup> *Id.* § 842(f).

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