

# Temporary Restraining Orders

## Determining the Correct One to File

First, look at who can petition, then look at type of abuse which must be alleged

Could be either Domestic Abuse or Harassment:

- Main difference is **relationship** (if there is a family relationship or a dating relationship, it would be domestic abuse)
- Another difference involves firearms surrender (see below)

Individual at Risk (**must be an adult**), generally falling into one of these two categories:

- “Elder at Risk”, generally an elderly adult age 60 or older, who has experienced abuse, neglect, self-neglect, or financial exploitation
- “Adult at Risk”, generally involving an adult with mental, physical or cognitive disabilities that substantially impairs the ability to care for his/her own needs, who has experienced or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation
- Can file on their own behalf or another person or agency can file a petition on behalf of an individual at risk

### **Some examples of actual or threatened behaviors which constitute abuse against an individual at risk:**

- Physical, emotional or sexual abuse
- Treatment without consent
- Unreasonable confinement or restraint
- Financial exploitation
- Neglect
- Harassment
- Stalking
- Mistreatment of an individual at risk’s animal/pet

### **Firearms surrender:**

Automatic for:

- Child Abuse
- Domestic Abuse
- Individual at Risk

Discretionary by court official for:

- Harassment