



Civil Legal Protective Order Fact Sheet

<u>Type of Protective Order</u>	<u>Relevant Statutes</u>	<u>Who is Eligible?</u>	<u>Description</u>	<u>Where to Apply?</u>
Domestic Violence Order of Protection	RSA 173-B	The victim must have/had a relationship with the perpetrator. The perpetrator must be one of the following: <ul style="list-style-type: none"> – <u>Spouse, ex-spouse;</u> – <u>Current or former dating or live-in partner;</u> – <u>Family member</u> 	In addition to a relationship, the victim must show that an act of abuse under RSA 173-B has occurred and there is a credible present threat to the victim’s safety. A court order may prevent one person from: <ul style="list-style-type: none"> – Contacting the other person; – Abusing the other person; – Entering the other person’s home, school, or workplace; – Harassing the other person and their family; and – Possessing deadly weapons and firearms. 	Family Division
Stalking Order of Protection	RSA 633:3-a	There is no requirement of a relationship between the victim and perpetrator. But there could be a relationship between the victim and perpetrator.	A victim must show that there is a course of conduct (at least two acts) that places them in a reasonable fear for their or a family member’s safety per RSA 633:3-a. A court order may prevent one person from: <ul style="list-style-type: none"> – Abusing the other person; – Entering the other person’s home, school, or workplace; – Harassing the other person and their family; and – Possessing deadly weapons and firearms. 	District Division
Jade’s Law	RSA 169-C:7-a	The perpetrator must be a member of the minor’s family or household but cannot be the child’s other parent.	A parent may file a protective order petition on behalf of their child. A court order may prevent one person from: <ul style="list-style-type: none"> – Being close to the home, another person, or the child; – Having unrestricted access to the child; and – Harassing or abusing the child or any person who has custody of the child. 	Family Division

<u>Type of Protective Order</u>	<u>Relevant Statutes</u>	<u>Who is Eligible?</u>	<u>Description</u>	<u>Where to Apply?</u>
Civil Restraining Order		There is <u>no requirement</u> of relationship between the victim and perpetrator.	A court order telling one person to stay away from or to stop an action that directly affects the person asking for the order. This does not have the same protections as a Domestic Violence or Stalking Order of Protection.	Superior Court
Marital Restraining Order	RSA 458	The victim <u>must</u> be married to the perpetrator and a divorce, legal separation, or annulment petition <u>must</u> be filed.	<p>This restraining order may be asked for after a divorce or annulment petition has been filed.</p> <p>A court order may prevent one person from:</p> <ul style="list-style-type: none"> – Abusing the other person; – Entering the other person’s home, school, or workplace; and – Harassing the other person and their family. <p>This does not have the same protections as a Domestic Violence or Stalking Order of Protection.</p>	Family Division
Parenting Case Restraining Order	RSA 461-A	The victim <u>must</u> share a child with the perpetrator and a parenting petition regarding the child <u>must</u> be filed.	<p>This restraining order may be asked for after a parenting petition has been filed.</p> <p>A court order may prevent one person from:</p> <ul style="list-style-type: none"> – Abusing the other person; – Entering the other person’s home, school, or workplace; and – Harassing the other person and their family. <p>This does not have the same protections as a Domestic Violence or Stalking Order of Protection.</p>	Family Division

This fact sheet should be used for information only and should not be considered legal advice. If you need legal advice, you should always speak to a lawyer.

If you cannot afford a lawyer, you may contact a domestic violence crisis center in your area. For the nearest office, call **1-866-644-3574** for domestic violence and stalking, and **1-800-277-5570** for sexual assault.

The crisis center may be able to refer you to the **Domestic Violence Emergency (DOVE) Project of 603 Legal Aid** or to **New Hampshire Legal Assistance** for help. To apply for legal services directly call **1-603-224-3333** or visit **603legalaid.org**.