

## HOW TO GET A TEMPORARY RESTRAINING ORDER

Applying for a Temporary Restraining Order (TRO) is not difficult. There are two (2) steps:

**1** Go to the proper court and fill out paperwork, including an affidavit, which is your sworn, written statement about the incident(s) that have made you fear for your safety. You must provide the court with a photograph identification to file the paperwork. After this paperwork is filed with the court, a judge will review the documents. The judge may or may not ask you questions. If the judge signs your order, the order is valid for up to twenty-one (21) days. A duly authorized officer will then serve your abuser with a copy of the TRO.

**2** If you want your court-ordered protection to last longer than the temporary period (up to twenty-one (21) days), you must attend a second hearing. Your abuser may also be there, so you may not want to be alone. Call your local domestic violence agency for an advocate.

**IMPORTANT:** If you do not attend the second hearing, or are late for the hearing, your court-ordered protection will end. For more information about getting a TRO, you can call one of the domestic violence court advocate offices listed or a domestic violence agency (see back panel for telephone numbers).

## 24-HOUR EMERGENCY RESTRAINING ORDER

If you fear you are in danger during the evening, weekend, or holiday hours, you may be able to obtain an emergency restraining order against your abuser by calling your local police department. Depending upon your relationship to the abuser, law enforcement would contact the Family Court or the District Court for the issuance of an emergency order of protection.

If an emergency TRO is issued, you will need to attend court on the next business day to finalize the order. If you have questions about emergency TROs, call a domestic violence shelter or advocacy program listed on the back of this pamphlet.

### RHODE ISLAND DOMESTIC VIOLENCE AGENCIES

- HELPLINE (24-hour, toll free) (800) 494-8100
- Blackstone Valley Advocacy Center (401) 723-3057
- Domestic Violence Resource Center of South County (401) 782-3990
- Elizabeth Buffum Chace Center (401) 738-1700
- Sojourner House (401) 765-3232
- Women's Resource Center (401) 846-5263

### ADDITIONAL RESOURCES FOR VICTIMS

- Center for Southeast Asians (401) 274-8811
- Crossroads' Domestic Violence Program (401) 861-2760
- Day One (sexual assault) (401) 421-4100
- Department of Children, Youth, and Families  
1-800 RI-CHILD or 1-800-742-4453
- Department of Elderly Affairs (aged sixty (60) or over)  
(401) 462-3000
- Domestic Violence Court Advocate Offices - Restraining order assistance for the Family and District Courts
  - Providence/Bristol County (401) 458-3372
  - Kent County (401) 822-6680
  - Washington County (401) 782-4173 or (401) 782-4174
- Office of the Attorney General (401) 274-4400
- Progreso Latino (401) 728-5920
- Rhode Island Coalition Against Domestic Violence (401) 467-9940
- Rhode Island Legal Services (401) 274-2652 or (401) 846-2264
- Supreme Court Office of Court Interpreters (401) 222-8710

### FAMILY COURT

- Kent County (401) 822-6725
- Newport County (401) 841-8340
- Providence/Bristol County (401) 458-3200
- Washington County (401) 782-4111

### DISTRICT COURT

- Kent County (401) 822-6750
- Newport County (401) 841-8350
- Providence/Bristol County (401) 458-5400
- Washington County (401) 782-4131

### SHERIFFS (FOR SERVICE OF RESTRAINING ORDERS)

- Centralized Office - Cranston (401) 275-2900

This project was supported by Grant Number 2016-WF-AX-0014 awarded by the Office on Violence Against Women, United States Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

November 2017 revision

Case Number:

# DOMESTIC VIOLENCE VICTIM INFORMATION



RHODE ISLAND SUPREME COURT

Chief Justice Paul A. Suttell

*This pamphlet was printed in compliance with the  
1988 Domestic Violence Prevention Act*

*Published as a public service by the Rhode Island Supreme Court  
Domestic Violence Training and Monitoring Unit*

# WHAT IS DOMESTIC VIOLENCE?

*Domestic Violence is any crime occurring between:*

- **FAMILY MEMBERS** - Spouses, former spouses, adults related by blood or marriage, and persons (minors or adults) who have a child in common;
- **HOUSEHOLD MEMBERS** - Adults who have lived together for some period of time within the past three (3) years; or
- **DATING RELATIONSHIP PARTNERS** - Persons (minors or adults) who have, or had within the past year, a substantive dating or engagement relationship. This can occur between a boyfriend and girlfriend or same sex partners.

## Stalking is also a crime

If you are being followed and/or contacted regularly by someone who puts you in fear of bodily harm, or causes you to suffer substantial emotional distress, you may be a victim of stalking. Stalking is a pattern of behavior that someone uses to threaten or harass you. In Rhode Island, stalking is a crime. Every incident of stalking should be documented to preserve and use as evidence to show a pattern of the stalking behavior. If you think that you are being stalked, call your local police department or a domestic violence agency listed in this pamphlet.

## Why was an arrest made?

Rhode Island considers domestic violence a serious crime and has mandatory arrest laws. This means that once the police find enough evidence to believe that a crime has occurred, they are required to make an arrest.

## What happens after an arrest is made?

- The suspect is taken to a police station and charged with a crime (becomes a defendant). If you need medical treatment or assistance getting to a safe place, the police will be able to help transport you if there are no other options. A **Helpline (800) 494-8100** advocate is available twenty-four (24) hours, seven (7) days a week to accompany you to the hospital. A law enforcement advocate (LEA) is available to accompany you to the police station. LEAs are trained advocates who work for local non-profit companies and have offices within local police departments. The LEA provides immediate crisis intervention, information, referrals, and work in collaboration with law enforcement officers on all domestic violence, stalking, and sexual assault cases.
- The defendant will be brought before a bail commissioner or other officer of the court. A No Contact Order (NCO) will be issued. The NCO means that the defendant may not contact you in person, by telephone, by mail, or indirectly through other people. (A copy of the NCO is available at the District Court).
- Next, the defendant will be arraigned before a judge. You do not need to attend the arraignment. If the case is not resolved at arraignment, the judge will schedule a pretrial conference, usually within a few weeks, at which time the defendant may change the defendant's plea to not guilty, guilty, or no contest (nolo contendere).
- You should come to court for the pretrial conference.
- A domestic violence court advocate will mail you a letter explaining what happened at the arraignment. Your court advocate, who works for a non-profit domestic violence agency, will also give you a telephone number to call if you have questions or just want to talk. If you do not want to wait for the letter, call the **Helpline (800) 494-8100** to find out how to reach your court advocate. You can meet your court advocate at court so that you will not have to be alone.
- There is no fee for the services of your Helpline advocate, domestic violence court advocate, or LEA.

## Will the person arrested be sentenced to jail?

If convicted, perhaps; however, unless the defendant has a prior criminal record, usually not. Generally, a first time offender is sentenced to a period of probation with counseling at an agency certified for Batterers' Intervention Programs.

## What is a Temporary Restraining Order (TRO)? What can a TRO do?

A TRO is a document that you may request from a court if you have been threatened, physically or sexually assaulted, stalked, or cyberstalked/cyberharassed. A TRO is a civil (not criminal) action which does not involve the police unless the defendant violates the order. A TRO orders your abuser to stay away from you. Like the NCO, if the defendant contacts or approaches you, a crime has been committed. After you obtain a TRO and the defendant is served, the defendant can be arrested for violating the TRO if the defendant contacts you.

- There is no fee for a TRO. You do not need an attorney to obtain a TRO. The TRO will order your abuser to stop abusing and harassing you. The court can order the abuser to leave your home and to relinquish the abuser's firearms.
- A Family Court TRO can give you temporary custody of minor children and order temporary child support payments.
- If you need help filling out the paperwork or need support in court, a domestic violence court advocate can help you. You can call the **Helpline (800) 494-8100** or your local domestic violence agency to find out which court to go to and how to begin the process (for telephone numbers see the back panel).

