

CLAYTON COUNTY TEMPORARY PROTECTIVE ORDERS DURING COVID-19

Clayton County is accepting and processing petitions for Temporary Protective Orders (TPOs) on the basis of family violence or stalking even while the Clayton County Courthouse is closed. The safety of everyone, including victims of violence and members of the public, is the goal of this process. Clayton County Magistrate Court, Clayton County Police Department, and the Clayton Family Advocacy Office (a project of Atlanta Legal Aid Society) are partners in this effort.

If you are in immediate danger, call 911. For emergency housing or other resources, please call a domestic violence hotline, such as Securus House ((770) 961-7233) or Partnership Against Domestic Violence ((404) 873-1766).

TPO BASICS

A Temporary Protective Order can be based on family violence or stalking. It can be issued on an emergency basis if there has been one or more incidents of family violence or stalking *and* the Petitioner needs protection from future violence or stalking. A TPO must be filed in the county where the Respondent (the other party) lives. You will need to know the other person's address in order to file a TPO.

When you file a TPO petition, you are usually able to speak with a judge within 24 hours. The judge will speak with you and decide whether or not to grant an Ex Parte TPO. If granted, the Ex Parte TPO lasts until the hearing date on the first page. The Ex Parte TPO goes into effect once it is served by the Sheriff's Department. At the hearing, the judge will hear from both the Petitioner and the Respondent and decide whether to extend the TPO for an additional twelve months.

A TPO can require that the other person move out of the shared residence, where applicable. However, **a TPO is not an eviction**, and it should not be used to shortcut that process. A TPO can provide for temporary custody of children, if the parties have minor children together. After the hearing, the judge can also consider things like child support and visitation, where appropriate.

STEP 1: CONTACT LEGAL AID

Access the Clayton Family Advocacy Office's signup page: <https://claytonfao.corsizio.com>. Answer the questions. Attorneys with Legal Aid conduct consultations between 9:30am and 4:00pm; if you sign up by 3:00pm, you should receive a call that same day.

STEP 2: COMPLETE PAPERWORK

Legal Aid will help facilitate the paperwork you need to complete for a TPO. If you have access to a printer/scanner, that will help. If not, Legal Aid will work with you to get the paperwork done. If you have ID, please be prepared to show it to the attorney to verify your identity.

STEP 3: EX PARTE HEARING

Once your petition is completed and processed by Legal Aid, you will be scheduled for an Ex Parte Hearing between 10:00am and 2:00pm, Monday through Friday. If your paperwork is done by 1:00pm, you should see the judge that same day. These hearings are conducted online through Zoom and hosted by Clayton County Magistrate Court. If you have a smartphone, tablet, or computer with a camera, you can participate in the hearing anywhere you have an Internet connection. If you do not have any of these devices, consult with Legal Aid about other options. The judge will speak with you and decide whether to grant or dismiss your petition.

STEP 4: COPIES & SERVICE

If your Ex Parte TPO is granted, you will receive an electronic copy. You can also pick up a paper copy at Clayton County Police Headquarters – 7911 N McDonough St, Jonesboro, GA – upon request. The Clayton County Sheriff's Department will serve the Respondent within a few days. Call the Sheriff's Department directly to follow up on this process, or if you need to be escorted back to your home because the Respondent also lives there. Keep a copy of your Ex Parte TPO on you at all times in case you need to show it to law enforcement or others.

STEP 5: 12 MONTH HEARING

After the Clayton County Courthouse reopens, a hearing will be conducted on whether or not to extend the Ex Parte TPO for twelve more months. Bring any evidence you have to this hearing. Print out any photographs, screenshots, or other electronic evidence. The Respondent will also be allowed to participate and present any evidence that they have. If the Petitioner does not appear at this hearing, the TPO will be dismissed.

MORE INFORMATION

Please contact the following agencies with questions:

Clayton Family Advocacy Office/Legal Aid
(404) 669-0233
claytonfao@atlantalegalaid.org

Securus House
(770) 961-7233

Clayton County Magistrate Court
(770) 477-3443

Partnership Against Domestic Violence
(404) 873-1766

Clayton County Sheriff's Department
(770) 473-5828

Georgia Domestic Violence Hotline
1 (800) 334-2836