

DISCLAIMER: This information is not legal advice but for informational purposes only. For legal advice, consult a lawyer.

This form is to be used strictly in obtaining an order of protection from abuse. A complaint for divorce, legal separation, custody, or paternity must be filed as a separate domestic case.

PRO SE ORDER OF PROTECTION INSTRUCTIONS

1. WHAT IS AN ORDER OF PROTECTION?

An Order of Protection or Protection Order (PO) is a civil order issued by the Family Violence Court that orders a **family or household member** to stop abusing another **family or household member**, and may include other relief, such as ordering the abuser to stay away from the person being abused.

The **Petitioner** is the person seeking protection from abuse or seeking protection on another person's behalf. The **Respondent** is the person you need protection from.

Do not worry about the following legal definitions, as the Judge will make all legal determinations.

SOURCE: 7 GCA, Chapter 40; 19 GCA, Chapter 14; MR 2.1 of the Local Rules of the Superior Court.

2. WHO MAY FILE A PO?

You may file a PO in the following circumstances:

- a. If **you have been abused** by a family or household member, you may file an Order of Protection;
- b. If **you have personal knowledge another person has been abused** by a family or household member, you may file an Order of Protection on that person's behalf; **OR**
- c. If **you are a parent or adult household member, you may file** an Order of Protection **on behalf of a minor child who has been abused** by another family or household member.

SOURCE: 7 GCA § 40103.

3. WHAT DOES “ABUSE” MEAN?

“**Abuse**” means a **family or household member** has committed one or more of the following:

- a. Attempting to cause or intentionally or knowingly or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon;
- b. Placing by physical menace another in fear of imminent serious bodily injury; **OR**
- c. Sexually abusing minor children.

SOURCE: 7 GCA § 40101(a).

4. WHAT DOES “FAMILY OR HOUSEHOLD” MEMBERS MEAN?

“**Family or household members**” means that the abuser and the person the order is meant to protect has one or more of the following relationships:

- a. Current or former spouses;
- b. Adults or minors who live together or who have lived together;
- c. Adults or minors who are dating or who have dated;
- d. Adults or minors who are engaged in or who have engaged in a sexual relationship;
- e. Adults or minors who are related by blood or adoption to the fourth (4th) degree of affinity;
- f. Adults or minors who are related or were formerly related by marriage;
- g. Persons who have a child in common; OR
- h. Minor children of persons described in paragraphs (a) through (h) above.

SOURCE: 7 GCA § 40101(d); 9 GCA § 30.10(b).

5. WHAT DOES IT COST TO FILE A PO?

It **does not cost anything** to get a PO. There are no filing fees or court costs.

Copying fees are also covered by the Court. The Clerk's Office simply requires that you complete all the required documents, and they will make all the necessary copies free of charge.

NOTE: WAIVER OF COPYING FEES IS SUBJECT TO CHANGE.

SOURCE: 19 GCA § 14104.

6. HOW TO FILE A PO?

STEP 1: File a Temporary Order of Protection

FIRST, complete the **Petition (FORM A1)**. Petitioner should write their name at the top of the page or in the line above the word "Petitioner" and write Respondent's name in the line above the word "Respondent." Do not fill in the PO case number, as a clerk will complete this portion.

Petitioner must complete questions a-h. Question 4 is very important. Please answer whether you or Respondent speak English. If not, please state what language you or Respondent speak. Question 6 is very important. You need to tell the Judge about the most recent incident(s) of abuse. Do not include incidents that happened too long ago. Do not forget to include date(s) and time(s). Explain if the incident(s) involved shoves, kicks, blows, weapons, threats, injuries, and medical treatment, if any. Include if the incident(s) led to an arrest or criminal charges. **It is important to tell the Judge if a weapon(s) was involved.**

In Question 7, check the box(es) that answers what you want the Judge to order the Respondent to do. If you are unsure about what you want, please do your best to check the appropriate boxes, and the Judge will assist later with this portion.

SECOND, complete the **Marshals Service Information Form (FORM A2)**. This form tells our Marshals where they can find Respondent. Once the Judge grants the Temporary Order of Protection, the Marshals will personally serve Respondent with the Order.

THIRD, complete the **Order to Show Cause Temporary Order of Protection form (FORM A3)**. Only complete the first page. **It is important to tell the Judge if a weapon(s) was involved.** Do not fill in your PO case number or any other portion. A clerk and the Judge will complete those portions.

FOURTH, complete **Docket Statement (FORM A4)**. Petitioner must complete all the information listed except the PO case number portion, which a clerk will complete. **FIFTH**, complete the **Order of Protection Form (FORM B1 or FORM B2)**. Use FORM B2 **only if you have children who you would like included in the PO and if you would like the Judge to address custody and/or visitation**. For both FORM B1 and FORM B2, only complete the first page. **It is important to tell the Judge if a weapon(s) was involved**. Do not fill in your PO case number or any other portion not listed above. A clerk and the Judge will complete these portions after the Order to Show Cause hearing.

FINALLY, once Petitioner has completed all five documents, Petitioner is ready to file at the Clerk's office.

Now Proceed to STEP 2.

STEP 2: Wait for the Judge to Grant or Deny Your Temporary Order of Protection

Before granting or denying Petitioner's Temporary Order of Protection, the Judge may require that you appear before the Court to answer any questions.

However, the Judge may not require a hearing and immediately grant your Temporary Order of Protection. **If this occurs, proceed to STEP 3** for further instructions.

STEP 3: Attend Order to Show Cause Hearing If You Want a Permanent Order of Protection.

If the Judge grants Petitioner's Temporary Order of Protection, the Judge will then schedule a hearing within ten (10) calendar days, and the Court will contact Petitioner as to your future hearing date. The Court will then serve the Order of Protection upon Respondent. Prior to the hearing, the Marshals must serve Respondent with the Temporary Order of Protection and Notice to Appear.

Petitioner will need to be at the scheduled hearing and show why you need the Order to be permanent. At the hearing, Respondent will have an opportunity to challenge the Judge's order. After hearing all the evidence, the Judge will either grant or deny the Permanent Order of Protection.

If Petitioner does not appear at the hearing, the Judge will dismiss your case altogether. If Petitioner, however, absolutely cannot attend the hearing because of an important reason (e.g. sickness, job interview, family emergency, or etc.), you should call the Court and ask that the hearing be rescheduled.

7. HOW DOES PETITIONER EXTEND A PO?

If Petitioner wants a PO to last longer, it is recommended you file the **Petition/Motion to Dismiss, Extend, or Modify Other Conditions of Order of Protection (FORM C)** two months before your Permanent Order of Protection expires. You will also need to file the **Marshals Service Information Form (FORM A2)**, which tells our Marshals where they can find Respondent. In that form, Respondent is called the "Non-moving Party" and Petitioner is called the "Moving Party." Petitioner does not have to prove further abuse to get an extension, but you should tell the Judge why you feel the order should be extended.

Once Petitioner files the above documents and Respondent is served, Petitioner will be notified as to the date and time the Judge will hear the matter.

8. HOW DOES PETITIONER DISMISS A PO AGAINST RESPONDENT?

If Petitioner no longer wants a PO against Respondent, then you should file **Petition/Motion to Dismiss, Extend, or Modify Other Conditions of Order of Protection (FORM C)**. The Judge has the option to hold a hearing where they can question Petitioner or others to decide whether or not Petitioner is voluntarily asking to dismiss the case (i.e., you are not being pressured by Respondent). Petitioner will also need to file the **Marshals Service Information Form (FORM A2)**, which tells our Marshals where they can find Respondent.

If Petitioner asks for a dismissal, this will not prevent you from refileing a future PO case against Respondent.

9. WHAT IF PETITIONER WANTS THE TERMS OF THE PO MODIFIED?

If **Petitioner or Respondent** wants a part of the order changed (e.g., child visitation), they should file a **Petition/Motion to Dismiss, Extend, or Modify Other Conditions of Order of Protection (FORM C)**. Petitioner will also need to file the **Marshals Service Information Form (FORM A2)**, which tells our Marshals where they can find Respondent.

Once Petitioner or Respondent files the above documents and the other party is served, they will be notified as to the date and time the Judge will hear the matter.

10. WHAT IF RESPONDENT VIOLATES A PO?

If Respondent Violates a PO, Petitioner **should immediately call the Guam Police Department**. When the police arrive, Petitioner should present a copy of your PO. Violation of a Court Order is a misdemeanor crime.

Also, Petitioner may file a **Motion and Affidavit for Contempt for Violating Order of Protection (FORM D)**. If found guilty of this type of contempt, Respondent may be found guilty of a petty misdemeanor. To file a motion for contempt, Petitioner should follow these steps: **(1) Complete Motion and Affidavit for Violating Order of Protection and wait for the Court to notify you of your upcoming hearing date ordered by the Judge, and (2) attend the hearing.**

At the hearing, Petitioner must present evidence stating how Respondent violated the PO, and Respondent will get a chance to respond. If the Judge finds Respondent violated the order, they can be held in contempt, either punished until Respondent follows the order (civil contempt) or punished for a past violation (criminal contempt). Do not worry about stating whether Respondent has committed civil contempt or criminal contempt in your motion, as the Judge will make this legal determination.

11. WHAT IF I HAVE A PO FROM ANOTHER STATE?

You may register a foreign protection order with the Clerk's Office, which is a protection order issued by a court of another state, tribe, territory or commonwealth of the United States. This will allow the Court and local law enforcement to enforce the order.

MISCELLANEOUS RULE 2.1

Appendix of *PRO SE* Order of Protection Forms

1. Pro Se Order of Protection Instructions
2. Form A1 Petition for Temporary Order of Protection and Order to Show Cause
3. Form A2 Marshals Service Information Form
4. Form A3 Order to Show Cause Temporary Order of Protection
5. Form A4 Order of Protection Docketing Statement
6. Form B1 Order of Protection
7. Form B2 Order of Protection (Additional Orders)
8. Form B3 Temporary Order of Protection (Continued)
9. Form C Petition/ Motion to Dismiss, Extend, or Modify Other Conditions of Order of Protection
10. Form D Motion and Affidavit and Order to Show Cause for Contempt for Violating Order of Protection