

Know Your Rights: Protection from Abuse Orders



Your right to live a life that is free of violence.

Is It Abuse?

Abuse can happen in all sorts of relationships, regardless of your partner's age or gender. It can start when your girlfriend prevents you from seeing friends or an old boyfriend follows you while you run your weekly errands. It can be as simple as a parent's threat. Abuse is a serious crime that can produce an unhealthy and dangerous family environment, affect childhood development, and lead to escalating abuse, including intrafamily homicide. Recognizing the signs of abuse can help you make the necessary choices to protect yourself and your family. If you are being abused, a Protection from Abuse (PFA) order may help shield you from future abuse.



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DOMESTIC ABUSE INTERVENTION PROJECT
202 East Superior Street, Duluth, MN 55802
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What is a PFA Order?

A Protection from Abuse (PFA) order is a court-issued document that directs your abuser to refrain from certain activities, such as calling or emailing you, entering your home, following you, etc.).

If you are afraid for your safety or the safety of your minor child due to abuse, stalking, or sexual assault, you can request a PFA order from your local state district court. A temporary or emergency PFA may be issued while you wait for a final hearing, at which you will present your evidence and your abuser will have an opportunity to offer a defense. After the final hearing, a judge may issue a final PFA against your abuser for an initial period of less than two years. PFA orders can be extended beyond two years if you continue to be at risk.

Who Can Get a PFA Order?

PFA orders can be requested by anyone – man, woman, or child* – who feels that his or her physical safety is at risk. You can request a PFA order if:

- You are being abused by a family or household member (e.g., current or former spouse, domestic partner, or sexual partner; someone you live with or used to live with; someone you are related to by blood or marriage).
- You are being abused by a current or former dating partner.
- Someone is stalking you (two or more incidents), even if there has not been a criminal prosecution.
- You are a survivor of sexual assault, regardless of whether there has been a criminal prosecution.
- You are responsible for a minor child that is being abused.

*Note: PFA orders can be requested on behalf of a child by an authorized adult.



Maine Women's Policy Center

THE VOICE OF MAINE WOMEN

The Maine Women's Policy Center is a nonprofit organization dedicated to improving the lives of women and girls.

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How Do I Get a PFA Order?

To request a PFA order, visit your local state district court and ask the clerk for the forms to file a PFA complaint. The clerk will not be able to provide legal advice, but he or she can answer questions about the form and provide you with a list of legal and social service assistance resources. There are no fees for these forms or for filing a complaint.

After receiving your complaint, the court has 21 days to hold a hearing, at which you will be expected to prove why you are afraid for your safety. If you need a PFA right away, you can request a temporary, emergency, or interim PFA until the final hearing is held. If any of these PFA orders are issued, a law enforcement officer, court security officer or someone from the department of corrections will deliver the PFA order to the defendant.

What Can a PFA Order Do for Me?

When granting a PFA order, the judge describes the types of protection being granted to you and to your minor children, if they are named in the order. The order will list out the activities that your abuser is prohibited from doing, and the weapons he or she is prohibited from possessing.

A PFA can prevent your abuser from possessing a gun.

With any type of PFA, a judge may prohibit your abuser from possessing a gun or other dangerous weapon.

If this is included, he or she must turn over all guns and other weapons specified in the PFA to the police or to a third party within 24 hours of being served with a copy of the protective order. If there is probable cause to believe that your abuser hasn't turned

over all of his or her weapons, the court can issue a search warrant for police to retrieve the remaining items.

Even without a PFA, it is illegal for your abuser to possess a firearm if he or she has a misdemeanor domestic violence conviction, has been dishonorably discharged from the military or has been convicted of any crime punishable by more than a year in prison.

You have the right to know if your abuser attempts to buy a gun.

Before a sale or transfer of a gun can be made, the person wanting to have the gun must complete a federal background check.

If your abuser is denied a gun purchase or transfer due to a PFA order, a federal agency will notify Maine's Department of Public Safety. As

quickly as possible, the Department must then make every reasonable effort to notify you and your local law enforcement agency that your abuser has attempted to obtain a gun. In some cases, the Department may ask your local police to notify you. Either way, you must be notified about the attempted gun purchase.

The PFA can prohibit your abuser from:

- Contacting you (including via email or online);
- Threatening, harassing, attacking, or otherwise abusing you;
- Appearing in the vicinity of your school, home, or workplace or otherwise following you repeatedly and without reasonable cause;
- Entering your home or property;
- Taking or damaging your property.
- Possessing a gun or other dangerous weapon for the duration of the order.

The PFA can also:

- Award temporary parental rights over your minor children.
- Require your abuser to pay temporary support for you (if you are his or her dependent) and for your minor children.
- Determine temporary custody of your animals.
- Require your abuser to get counseling.

Get Help



Pine Tree Legal Assistance

PTLA.org



Maine Volunteer Lawyers Project

VLP.org 800-442-4293



Elder Abuse National Hotline

800-624-8404



Statewide Domestic Violence Helpline

866-83-4HELP



Domestic Abuse Helpline for Men and Women

DAHMW.org 888-7HELPLINE



Emergency Shelters

www.MaineHousing.org/HomelessShelters.aspx



Maine Coalition Against Sexual Assault

Crisis and Support Line

800-871-7741



The Maine Women's Policy Center is committed to raising awareness about the rights of Maine women and girls. Though we have made progress over the years, women who are seeking to protect their safety or their children's safety from a perpetrator of violence still have limited options.

Please contact us for more information about the impact of violence and protective orders.