

## IF YOU HAVE EXPERIENCED ABUSE IN A RELATIONSHIP YOU CAN GET PROTECTION IN FAMILY COURT

### WHAT DOES THE LAW SAY?

You may be able to get an Order of Protection in Family Court if you and the abuser are/were:

- **Dating or in an intimate relationship\***
- **Living together**
- **In a same-sex relationship**
- **Married or divorced**
- **Parents of the same child**
- **Related by blood**

### REMEMBER THESE THINGS IF YOU GO TO COURT:

- A clerk may not turn you away and stop you from filing.
- Only a judge can tell you if your relationship makes you eligible for an Order of Protection in Family Court.
- Try to talk to someone who is familiar with the new law, such as someone from **Day One**.
- Bring this form with you and show it if someone tries to turn you away.
- You can still contact the police and go to Criminal Court for an Order of Protection.

### HOW WILL A COURT DEFINE “INTIMATE RELATIONSHIP”?

The court will consider several things:

- The nature or type of relationship
- How much time you spend together or how often you see that person
- The length of the relationship

**You do not have to answer questions about your sex life. Even if your relationship is/was not sexual, you may still be eligible for an Order of Protection.**

### AN “INTIMATE RELATIONSHIP” IS NOT A PURELY FRIENDLY OR INFORMAL ONE WITH YOUR:

- Roommate
- Coworker
- Friend
- Other acquaintance

**FOR MORE INFORMATION, CONTACT: DAY ONE**

**1.800.214.4150** or [info@dayoneny.org](mailto:info@dayoneny.org)

**If you are 12-24 years old and have been in an abusive relationship, Day One can provide free and confidential legal help.**

\*See other side for the exact language of the law.

**SHOW THIS TO A CLERK OR ANYONE ELSE AT THE COURT IF YOU ARE TOLD THAT YOU ARE NOT ELIGIBLE FOR AN ORDER OF PROTECTION**

**AS OF JULY 2008 THE LAW PROTECTS MORE VICTIMS OF DOMESTIC VIOLENCE**

**According to Section 812(1) of the Family Court Act, the following people can seek an Order of Protection in Family Court:**

- (a) persons related by consanguinity or affinity;
  - (b) persons legally married to one another;
  - (c) persons formerly married to one another regardless of whether they still reside in the same household;
  - (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time.
- NEW → (e) persons who ... are or have been in an intimate relationship regardless of whether such persons have lived together at any time.**

**Factors the court may consider in determining whether a relationship is an 'intimate relationship' include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an 'intimate relationship....'**

\* The law also allows Referees and Judicial Hearing Officers to decide order of protection cases at any time of day. (Judiciary Law, Article 7A, § 212(2)(n).)

**IMPORTANT: There is no age restriction on who can apply for an Order of Protection in Family Court. Individuals under 18 are allowed to file independently without a parent. Please call Day One at 1-800-214-4150 if you are turned away or told an adult must file on your behalf.**