

## Who can file for an Order of Protection and where?

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### Should I be related to my abuser to get an Order of Protection?

Not always.

To get an Order of Protection from the Family Court, you should be related to your abuser in any one of the following ways –

1. Related by blood or marriage
2. Have children in common
3. Married or formerly married
4. Parent and child
5. Be in an intimate or dating relationship

If you are seeking an Order of Protection, but do not have any of the above mentioned relationships with your abuser, then you can be heard in the Criminal Court.

If you have any of the above mentioned relationships, then you can be heard in both Family and Criminal Court.

### What does related by blood or marriage mean?

Related by blood would mean individuals in your immediate and extended family like your brother, sister, cousin, uncle, aunt etc.

Related by marriage will mean individuals who became related to you through your spouse by virtue of your marriage, like your brother-in-law, sister-in-law, mother-in-law, father-in-law, spouse's cousin, spouse's aunt or uncle. However, these relations apply only if you are still married to your spouse.

### Where do I file for an Order of Protection?

You can go directly to the Erie County Family Court building located at One Niagara Plaza, Buffalo, New York 14202 to the Fourth Floor at Petition Processing to complete a Family Offense Petition. You may seek help in filing the petition from the Haven House Domestic Violence Advocate, Room 732, 7<sup>th</sup> Floor at the Family Court.

You can also go to the Family Justice Center (FJC) located at 237 Main Street, 14<sup>th</sup> Floor, Buffalo, New York 14203. FJC has many different agencies located at their office to provide services in one place for victims of domestic violence. Service providers include law enforcement, Haven House, Crisis Services, District Attorney's office, Counselors, Nurses, Probation Officers and Social Workers. They can assist you by documenting your injuries through reports and photographs, help you with safety planning. The FJC also offers the option of filing an Order of Protection on site using video-conferencing.

### What are family offenses?

- Disorderly conduct
- Harassment in First or Second degree
- Aggravated harassment in second degree
- Assault in second or third degree
- Criminal mischief
- Menacing in second or third degree
- Reckless endangerment
- Stalking

- Attempted assault
- Sexual abuse in the second or third degree
- Sexual misconduct
- Forcible touching
- Strangulation
- Criminal obstruction of breathing or circulation

### **Do I have to reveal my home address when I am at the Family Court to file the Family Offense Petition?**

If your health or safety or that of your child(ren) would be put at risk by disclosure of your address or other identifying information, you may apply to the Court for an address confidentiality order. When you request at the Petition Processing to have your address designated as "confidential", the clerk will give you an "Address Confidentiality Affidavit" which you must complete and sign. If you have questions about the affidavit, the petition room staff will help you. You will be asked for a reason why you believe your address should not be disclosed.

### **How much will it cost me to file for an Order of Protection?**

There are no filing fees in the Family Court.