

What To Do If Your Order of Protection is Violated

I have an Order of Protection which has not expired. The other party has violated the Order of Protection.

What can I do?

You can file criminal charges in a criminal court and you can file a violation of petition in Family Court.

How do I file criminal charges?

To file criminal charges in the City of Buffalo, you must get a warrant card from your local precinct. File the Warrant card in the Warrant Clerk's Office of City Court, 50 Delaware Avenue, Buffalo, New York. If you live outside the City of Buffalo, ask your local police, sheriff, or town or village court for the correct procedure for filing a criminal complaint.

What if I prefer to go back to Family Court?

To Petition in Family Court, go to Petition Processing, 4th Floor, One Niagara Plaza, Buffalo, New York. Tell the worker what your abuser did that violates your Order of Protection. Before you sign the Petition, read it to make sure it includes everything that is important. Before you do this, you may wish to speak to the Domestic Violence Advocate on the 4th Floor of One Niagara Plaza.

Will Neighborhood Legal Services represent me in Family Court?

The Domestic Violence Advocate may refer you to Neighborhood Legal Services, Inc. If Neighborhood Legal Services, Inc. is not available to represent you, you should ask for a court appointed lawyer.

How do I get a Court-appointed lawyer?

When you go to Court you can ask the Judge to appoint a lawyer for you if you need a lawyer but can't afford one. The judge should then set another court date for you to appear with your lawyer. The Judge's clerk should give you a slip referring you to the Assigned Counsel Program. Take the referral slip with proof of your income to the office of Assigned Counsel at 170 Franklin Street, Suite 400, Buffalo, New York.

What will the Office of Assigned Counsel do?

The Office of Assigned Counsel will check to make sure that your family's income qualifies you for free legal services. If you do qualify, that office will contact a lawyer to represent you. The lawyer should contact you before your next court date.

What if the Office of Assigned Counsel doesn't give me a lawyer?

Call us.