

Fact Sheet: Domestic Violence Restraining Orders

In most states, domestic violence restraining orders are the result of a two-stage process. The first stage yields what is commonly known as a temporary restraining order. Temporary orders are granted when a judge determines that the petitioner is in danger and that court intervention is warranted. The second stage of restraining order process results in a permanent order, issued after a hearing, that is in effect for longer than the temporary order. Importantly, the majority of restraining order petitions result in permanent orders,¹⁻³ and so while we have more information about the permanent orders, those permanent orders began with a temporary order.

Why Women Petition for Domestic Violence Restraining Orders

Research suggests that most women file for restraining orders, and receive temporary and eventually permanent orders, after severe violence.¹⁻¹⁰

- Most petitioners suffered physical abuse at the hands of the restraining order defendant.^{1-4, 6-10}
- More than half suffered severe physical abuse.^{4, 10}
- At least 45% were physically injured.^{1, 7, 9}
- 13 to 48 percent reported sexual violence.^{5, 7, 9, 10}
- Over half reported being stalked.⁸

Roughly one quarter of petitioners for restraining orders petitioned only after more than five years of violence.⁴ Restraining orders are mainly used after women have tried other strategies to minimize or end the violence, such as ending the relationship, reporting the violence to the police, and accessing domestic violence victims' services.^{1, 3, 11} Restraining orders, therefore, are a tool that women use after experiencing severe violence and being unsuccessful in ending the violence through other means.

Domestic Violence Restraining Order Respondents

Respondents to domestic violence restraining orders are frequently known to the police for domestic violence and other violent crimes, and have high rates of criminal justice system involvement.^{3, 4, 9, 12}

- The majority of restraining order respondents had criminal records. While these included domestic violence, most had been arrested for other violent crimes.⁴
- The average criminal record length for restraining order respondents was 13 complaints, including violent crimes against the petitioner and against others.³
- Half of restraining order respondents had records of criminal charges of domestic violence against either the petitioner or a former partner.¹²
- 40% to 71% of respondents were known to the criminal justice system for a crime against the petitioner.^{3, 9}
- 36% to 82% of restraining order respondents had threatened to kill or seriously harm their victims.⁹
- 14% of respondents threatened to kidnap the petitioners' children.⁹

Given domestic violence restraining order respondents' histories of committing violence and of criminal justice system involvement, it is unlikely that any significant percentage of restraining order petitions are spurious.

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