

## **Rules of Protective Order**

Mary has two children with her live in boyfriend, Paul, who is the father of her two children. She was assaulted last night by Paul and states that he has a long history of domestic violence. She also claims that he gets drunk and scares the children.

Mary fears Paul will follow through on his threat to take the children away from her.

They live in house which is in Paul's name only. She is requesting exclusive use of the home.

**Q:** Can a judge order the Paul to stay away from his children?

**Q:** Does Paul's threat to take the children mean a judge can or should prohibit contact with them?

## **Brady and Lautenberg**

**Q:** Name two ways weapons can be prohibited on order.

**Q:** Is relationship required?

**Q:** Can Brady apply to an Injunction Against Harassment?

**A:** Relationship test is met

**A:** Defendant received notice and had opportunity to appear at a hearing

**Q:** Can firearms be prohibited during an *ex parte* hearing?

**A:** State statute

**A:** Judge finds that the defendant is a credible threat to the plaintiff

**A:** Lasts length of order

**Q:** Which firearms prohibition, Brady, Lautenberg or state statute, has an exemption for law enforcement and military personnel?

**A:** Brady has this exemption, but only while such personnel are on duty

**Q:** Which firearms prohibition is a lifetime ban: Brady or Lautenberg?

**A:** Lautenberg: if misdemeanor crime of domestic violence