

O.C.G.A. § 16-5-94

Current through Act 434 of the 2026 Regular Session of the General Assembly but not including corrections and changes made by the Office of Legislative Counsel.

Official Code of Georgia Annotated > TITLE 16 Crimes and Offenses (Chs. 1 — 17) > CHAPTER 5 Crimes Against the Person (Arts. 1 — 9) > Article 7 Stalking (§§ 16-5-90 — 16-5-96)

16-5-94. Restraining orders; protective orders.

- (a) A person who is not a minor who alleges stalking by another person may seek a restraining order by filing a petition alleging conduct constituting stalking as defined in Code Section 16-5-90. A person who is not a minor may also seek relief on behalf of a minor by filing such a petition.
- (b) Jurisdiction for such a petition shall be the same as for family violence petitions as set out in Code Section 19-13-2.
- (c) Upon the filing of a verified petition in which the petitioner alleges with specific facts that probable cause exists to establish that stalking by the respondent has occurred in the past and may occur in the future, the court may order such temporary relief ex parte as it deems necessary to protect the petitioner or a minor of the household from stalking. If the court issues an ex parte order, a copy of the order shall be immediately furnished to the petitioner.
- (d) The court may grant a protective order on a temporary or permanent basis or approve a consent agreement to bring about a cessation of conduct constituting stalking. The court shall not have the authority to issue or approve mutual protective orders unless the respondent has filed a verified petition as a counter petition pursuant to subsection (c) of this Code section no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing. Orders or agreements may:
- (1) Direct a party to refrain from such conduct;
 - (2) Order a party to refrain from harassing or interfering with the other;
 - (3) Award costs and attorney's fees to either party; and
 - (4) Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of stalking.
- (e) The provisions of subsections (c), (d), and (e) of Code Section 19-13-3, subsections (b), (c), and (d) of Code Section 19-13-4, and Code Section 19-13-5, relating to family violence petitions, shall apply to petitions filed pursuant to this Code section, except that the clerk of court may provide forms for petitions and pleadings to persons alleging conduct constituting stalking and to any other person designated by the superior court pursuant to this Code section as authorized to advise persons alleging conduct constituting stalking on filling out and filing such petitions and pleadings.

History

Code 1981, § 16-5-94, enacted by Ga. L. 1998, p. 885, § 3; Ga. L. 1999, p. 81, § 16; Ga. L. 2021, p. 658, § 1/HB 231; Ga. L. 2023, p. 415, § 1/HB 302, effective July 1, 2023; Ga. L. 2024, p. 698, § 1/SB 324, effective July 1, 2024.

16-5-94. Restraining orders; protective orders.

End of Document