



Kids Come First Coalition

RESTRAINING ORDER 911

**10 Things You Need To Know
Right Now If You Have
Been Hit With A
Restraining Order**



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Founder of the Kids Come First Coalition

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About the Author



My name is Ron Lasorsa and I am “The Children’s Advocate.” I am not a lawyer, a psychologist, or a social worker. So why does my opinion matter? I will tell you. I am a father that has lived through personal and financial devastation by the divorce industry. I have decided to take action by making it my life’s mission to advocate for the children of divorce. I have decided to take action against a system that is broken and to advocate for the children that are victimized by unfair laws. My books have been

written to educate and encourage other people to do the same.

I am also the Founder of the “Kids Come First Coalition.” This group of likeminded organizations has banded together for the greater good of the nuclear family. Our effort is motivated by our desire to change the existing system, which encourages the dissolution of the nuclear family. Our sworn enemy, “The Divorce Industry,” has the unlimited financial backing of the government and various powerful interest groups to aid it. The Coalition has realized that it must collaborate and rely upon the free market of both ideas and finances to champion our cause.

My personal journey started when I was born into a lower middle-class home on Long Island, NY. My parents divorced when I was two years old and I never knew my own father. I am sure this sad fact influences my actions to this day.

I was fortunate enough to get a good education at the taxpayer’s expense by joining the military at the age of seventeen. Ultimately, I earned an undergraduate degree from the United States Naval Academy at Annapolis and an MSBA from Boston University while on active duty in the Marine Corps.

I served my country as a Captain in the infantry from 1989 to 1994. During that time, I led a platoon of Marines in combat in the first Gulf War and was with the 2nd Marine Division, which helped liberate Kuwait City.

After my time in the Marines, I went to Wall Street as a trader and I worked for the largest investment bank in the world. I ultimately achieved a level of economic success that put me in the top 1 % of all wage earners in the country.

I was married to my first wife for sixteen years and we had four children. While we were married, I willingly admit that I made almost every mistake a husband can make. My ex-wife claims I was a horrible husband and the truth of the matter is that she is probably right. I take full responsibility for my role in the failure of my marriage. However, I always was, and to this day continue to be, a good father. It is my heartfelt belief that being a bad husband should not disqualify one from continuing to be an active participant in your children's daily lives.

During my own divorce and custody battle, I suffered a series of personal issues that caused me to lose everything I once valued. I lost the high-powered job; I lost the big house and the fancy cars; I lost most of my money. However, the thing that pushed me closest to the edge was when I had my children taken away from me. They were used as a bargaining chip over the little remaining money and furniture that survived the dissolution of my marriage. When I resisted a horrible settlement agreement, my ex put a figurative gun to my head and obtained a fraudulent restraining order that prevented me from seeing my kids. The sense of loss of my children and the resulting stress almost broke me. During this time, I met many fathers in similar situations who simply became fed-up with the system and walked away from their kids. I guess my own fatherlessness prevented me from doing the same. After a period of intense soul searching, I regained my footing and I decided that my children were worth fighting for. I knew that I never wanted my children to ask me why I did not try harder to stay in their lives.

Let me say now that I have nothing against women. My books are not “pro-father” or “anti-mother.” I have seen enough bad parenting on both sides to prove to me this is not a gender issue. I am adamantly anti-divorce industry. All of my books are designed specifically to give advice that allows the parties to focus on the best interests of their children as they come to a peaceful dissolution of their marriage.

In my opinion, the mistake most Father’s Rights Groups make is to alienate over half the population. In fact, women are vitally important to changing the current system. The only way the system will ever change is when mothers, sisters, second wives, and even daughters recognize that the men in their lives are being separated from their children to the detriment of everyone involved, and decide that things must change. I myself have a mother, two daughters, and a sister. I love them all. I do not hate women, nor am I bitter about my divorce.

When I started helping fathers like you through their divorces, something amazing happened. I noticed that about 20% of my clients were women! I soon realized that all these women were seeking help for the men in their lives. If you are a woman reading this for your man, it really shows your concern and you have my full support. I have created a series of e-books I wish somebody had created for me when I went through my own divorce. They are:

- ***The Root of All Evil Part 1 – How the Divorce Industry Steals Kids Away From Innocent Dads.***
- ***The Root of All Evil Part 2 – How the Divorce Industry Financially Cripples Innocent Dads.***
- ***Restraining Order 911 – 10 Tips You Need Right Now!***
- ***Dads Child Support 411 – 3 Steps to Love Your Children More Than You Hate Your Partner***

When my divorce first started, I mistakenly thought that the system was fair and that other people would look out for my best interests. I was horribly wrong. I have endured the following indignities during my divorce and custody battle:

- I have paid over \$250,000 to a six different attorneys in legal fees (3 different lawyers for me and 3 for my ex) in two different states;

- I have been subjected to a fraudulent restraining order where I was subjected to potential criminal prosecution for over two years until I could prove my innocence;
- My children were moved to another state against my wishes and I was forced to move away from all my friends and family to pursue my case for custody;
- I was prevented from even seeing my children for over a year and when I finally did win the right to visit them, it had to be under the watchful eye of a visitation supervisor in a sterile government facility for two hours every two weeks. The courts even made me pay \$140 for the privilege of the two hours spent with them.

Therefore, as you can see, I have no love for the divorce industry or the people in it. Furthermore, I have found that throwing money at your divorce simply does not work. When you use a lawyer, he or she only increases the animosity between the parties and inflates the cost of divorce. Rarely do the lawyers act in the best interest of the children though they claim otherwise.

One of the biggest mistakes men make is letting their lawyer run the show. Lawyers are in business to make money for themselves, not to help you reach a fair settlement or get custody of your kids. Divorce lawyers handle hundreds of cases per year. They do not care about you or your feelings. They do not care whether you win or lose, because they are paid either way. Most divorce lawyers have become experts at separating you from your money and will drag out the process making it more painful than necessary for everyone involved. Therefore, my best advice is **“Do not hire a lawyer.”** Represent yourself.

Lawyers and social workers make this process out to be black magic whereby you need their expert guidance to get through it. **This is simply not true.** Everything you need to know to handle every situation you may face in your divorce can be easily found on the internet. No lawyer will ever care as much about your case as much as you do. No lawyer will ever know or remember the facts of your case as much as you will. They

could not possibly. You, however, are in the best position to know what is right for you and your kids. *Do the right thing for your children. Love them more than you hate your partner, and have confidence that things will work out for the best.*

Dedication

I dedicate this book to my four children: Jessica, Jarred, Jacob, and Jaclynn. I will always put your best interest first.

Introduction

Imagine sitting in your favorite chair reading the paper, or maybe sleeping soundly in your bed, when a couple of police officers begin banging insistently on your door to serve you with a domestic abuse restraining order. You are absolutely shocked and appalled. You think to yourself, “This can’t be happening.” “I didn’t do anything!” “Why is she doing this?” “What can I do about this?”

In this e-book, I will give you some answers. I will not be able to tell you “why” she did what she did, but I will tell you how to effectively fight this order so that you have a good chance of having it eliminated it at an upcoming hearing.

Domestic abuse restraining orders, also called Orders of Protection, Domestic Violence Orders, or other scary sounding names have been in existence in various states since the 1970s. They are a type of legal proceeding like no other in our history. A woman can go to court during a secret hearing without the man present and claim that he has abused her, or even put her in fear of physical abuse, and obtain a restraining order against him. The consequences of this court order can cause very serious complications to your life. Your children, your home, your guns, and your money can and will be taken from you with no regard for your constitutional rights. Most of the time men never even find out about the proceedings until it is all over.

These orders are obtained without any of the usual constitutional protections that are present in our legal system. These protections are called “due process.” Without a jury, without rules of evidence, without evidence of any sort and without the other party being present (called “ex parte”), a woman can merely claim to be afraid of you and is often granted this type of order.

Protection orders usually require you to stay away from your home, not contact your children, forfeit your firearms, and not contact the person who is now known legally as the “victim.” You will have an opportunity to appear for a hearing where you can give

your side of the story, usually scheduled within one to two weeks. Meanwhile, you will have to live by the restrictions stated in the order. It is important that you act quickly and intelligently in order to get this order removed and eliminated. Reading this e-book and following my suggestions will help you to defend yourself. I have included the ten most important things you need to do immediately in order to stay out of jail. I've also included additional information that you need to be able to get rid of your order.

Restraining orders are an offense to the traditional notions of fairness in our legal system. To make matters worse, judges are often programmed to err on the side of caution in giving these orders out. The reason is that there are some situations in which a protection order is necessary; but these dire situations are only a minority of the cases clogging up the courts. A judge does not have time in a quick and dirty hearing to be able to assess the real level of threat that exists. They simply take the "victim's" word for it and count on the truth being sorted out at the full hearing. The problem is that many times restraining orders are hard to get rid of because of the built-in bias of the system which places the man in the position where he has to "prove his innocence." Many of the laws and rules involving these orders are kept secret in order to keep the system biased in favor of those who are seeking them.

In this e-book, you will find insider secrets that most people do not know and which are not found in legal books that are held in a law library. These tips have been developed by an experienced attorney who has fought these orders for many years in court and knows exactly what to do in order to give you a fighting chance.

Tip #1 - No Contact

This is really rules number one, two, and three, because if you violate it you will go directly to jail, will have instantly lost the battle. The essence of restraining orders is “no contact”, which requires absolutely no contact **AT ALL**, directly or indirectly. That means no cards, no letters, no calls, no emails, no text messages and no flowers to try to reconcile. Many people have gone to jail for doing just that.

Indirect contact means that you can't call her mother, her sister, or her friend to try to reason with her to drop the order and work things out. Many more people have gone to jail for doing that. No contact means, **NO CONTACT**, period.

Don't drive by her house. Don't drive by her work or call her work. Don't contact your children or go to their school. Don't do anything but prepare to fight the order at the next hearing. Your heart will burst as you contemplate how unfair the legal system has become. While this may be true you will not be effective in the fight against that unfairness if you are rotting in jail. So, keep your eye on winning first, and do nothing to jeopardize that in the meantime.

Violation of a restraining order is a criminal matter, punishable by a fine and a jail term. Even though restraining orders are civil matters which involves conflicts between two people, violations of them are criminal matters, meaning the state will prosecute a violator.

DO NOT FALL INTO A TRAP! Many men have been trapped into violating a restraining order when the woman who has taken it out actually contacts them. She may call and invite you over and ask to make up or discuss your case. **DO NOT** under any circumstances, talk to or see the person who has taken out an order against you. Until the order is dismissed in court it is still in effect. The “victim” cannot give you permission to violate a court order. Only a judge can dismiss it and release you from its restrictions.

Even if the woman states that she is going to dismiss it when the hearing comes around, you should wait to make any contact until it is legally dismissed. In some states, once a protection order is set by a judge, the victim cannot ask for a dismissal. The reason is that these types of orders are so often abused that the court system is backed up. Therefore, even if the woman says she will ask for a dismissal, only the judge can decide whether it can be dismissed or not.

Another thing that can occur is that if someone sees you talking to the victim they can call the police and have you arrested. Even if the woman tells the police that it is all right, the police must follow a court order. **Remember the victim cannot give you permission to break a court order.**

A man can be duped into a false sense of security. The “victim” may call you tell you she made a mistake and wants to reconcile now that she’s cooled off. If you are lulled into a false sense of security, you can find yourself handcuffed in the back of a police car the moment she gets mad at you again. Remember; do not make contact until a judge has told you that you can do so. **If they contact you, hang up!**

Tip #2 - Applicable Law

You have a lot of homework to do in preparation for your hearing. The first task is to obtain information about the laws that pertain to restraining orders in your particular state. In most states, research can be done online and easily downloaded. Another source to search for the state laws concerning restraining orders is a law library at a law school, university, or courthouse. You can even find the necessary information at any public library with materials about your state laws in its collection.

The order you have been served may contain the legal citation of the law you are looking for but if it does not, you may need to do further research. You may need to search using key words such as “order of protection”, “domestic abuse,” or “restraining order.” The official law will likely consist of several sections dealing with definitions and procedures.

The most important part of the law that you need is the definition of “abuse.” Each state defines this term a little differently, but all of them have a multi-part definition; which will refer to actual assault and to the term “fear” in some fashion. Many restraining orders are obtained by claiming “fear” of harm or abuse, and that is the section you usually need to focus on.

Many orders are obtained because the parties yelled at each other, got into a minor scuffle, threw something, or stomped off. These encounters, while ugly, do not rise to the level of abuse defined by the laws of most state laws. There has to be actual physical assault or fear of immediate physical harm, not just a minor verbal disagreement. Most states also add that forced sexual relations are one of the necessary components for obtaining an order. The fear of abuse must be reasonable and objective not just based on a feeling. However, in reality most of these orders are granted based simply on how afraid the victim claims to feel about the other person.

Many judges regard the slightest disruption as grounds for an order, but this is not a correct interpretation of the law. You should assess your own conduct and decide how it measures up to the definitions stated in case law.

When you look up your laws (also referred to as 'statutes'), be very careful to also check what is called the "pocket part" of the law book, where updates are tucked into a slot in the back cover. When laws are changed, the publishers do not usually print all new books, but provide the "pocket part" to slip into the book. You should look in the pocket part to see if your particular statute has been changed.

Courts operate on very technical definitions, and you will need to get the precise wording of the law, and then compare it to what the "victim" is alleging you did. In many cases, the complaining party is charging something that may not be against the law, or fit the legal definition of fear as defined by the law.

You should photocopy the relevant text out of the law books or off the internet, so you can study it, and cite it to a judge at your hearing, including any "pocket part" updates. When the judge realizes you understand the law, he or she will be less likely to give out an order when it does not meet the legal standard. Someone who appears before the judge and is unaware of their rights or what the law says can be easily intimidated and will be more likely to receive an unfair ruling.

Another source for valuable information is what lawyers call "case law." These are opinions issued by appeals courts and state supreme courts, interpreting and applying the law to specific cases. This is not widely known, because most people assume that the statutes contain the rules, and you can rely on them. However, courts in every state feel justified in acting like legislatures, and constantly change, revise, or reinterpret laws from the bench. Lawyers will refer to these in their arguments, basing their cases not just on the black and white statutes, but on the individual case rulings from various courts around the state and country.

The easiest way to find out what changes have been made by courts “legislating from the bench” is to find an “annotated” copy of the laws. What that means is that most (not reliably all) of the cases that have interpreted on a particular law are listed under the law in question. Cases are referenced by a case name, like ***Smith vs. Jones***, along with a citation that shows where in the law books the cases are recorded.

There are two common citation forms; depending on whether the case came out of your state, Supreme Court or your state appeals court. A Supreme Court citation will be like this: 100 Mass. 200. The first number is the book volume and the second number is the page in that volume on which the case starts. In the example, that means that the case is found in Volume 100 of the Massachusetts case reports, starting at page 200.

If the case comes from your appeals court, it may say something like: 100 Mass. App. Ct. 200. Again, the first number is the volume of your appeals court reports (found in your law library) starting on page 200.

Once you identify cases that apply to how your state restraining order law has been interpreted, you should copy or print the ones that seem to apply to the issues, which are involved in your case. In the next section, you will learn to interpret and use those issues to your advantage.

Tip #3 - Obtain the Affidavit

One of the worst deceptions of state restraining order laws is that they do not provide that you be informed about the allegations against you. When you are served with an order, no one tells you that there is a court file containing statements and evidence clearly describing the accusations against you. This file is invaluable for helping you prepare for your defense.

The first step is to take your order to the court from which it was issued, and ask the clerk's office to see the court file. Your file will be identified with a number, which appears on your order, known as a docket number or case number. The clerk will need that number in order to find the correct file.



Some courts treat these files as confidential. It is wrong and a denial of your rights if they do so. You are entitled to view any case information about your own case. If they do not cooperate, ask to speak with a supervisor. Sometimes nothing will work but to fill out a motion form and ask the judge to order the clerk to give you the file. The problem with this, of course, is that now everyone thinks you are a jerk and things may not go well when you return for your next hearing. Regardless of how frustrated you are, try to remain professional and courteous—but do not be turned away. Whatever it takes, get the paperwork in your court file.

Once you get your file try to locate the most important document in there: the Affidavit or Declaration. (The exact name of this document can vary depending on the state you are in). An affidavit or declaration is a written statement made under oath. The paper you are looking for is the sworn statement under oath that the applicant gave to the judge to get the order against you. It clearly details what it is you are accused of doing, and it is the single most important piece of information you have as you prepare your case.

The affidavit or declaration is usually part of a larger application for an order, and you should make sure you have every page of that application. On it, there will find many statements that must be carefully reviewed and analyzed. In most states, the children can be added to an order with little more proof than the fact that they reside with the victim. Once the order including your children is obtained, it can be used for a quick and dirty custody hearing; without even going through the family court and showing an actual reason for depriving you of custody.

If there is time before the next hearing, you should try to obtain an audio recording of the actual secret hearing where she got the original order. This may also require you to file a motion for the judge to release it to you.

On the affidavit or declaration, you should carefully study every statement there to see the allegations against you. Those allegations will determine the type of evidence you need to find to oppose the order, and what part of the law applies. We will discuss that in the next section.

Tip # 4 - Gather Evidence

Once you have obtained the court paperwork showing the allegations against you, you need to come up with a plan to disprove the allegations. This accomplished by finding evidence to show that the allegations against you are false (assuming that they are).

For example, if the complaining party states that you made a phone call threatening her, then you may need to obtain phone records showing no phone call was made at that time, or that you were not at the place claimed. Cell phone records now contain data showing what cell tower the call originated from, which can show you were not in the area where the person claimed you were. The times of calls made and received are noted on all bills, so if no call was made on that day or time when you were alleged to have called and made a threat, it is a very good way to show that the allegations against you are false.

Another helpful thing about phone bills is that they may show that the person with the order, who claims to be in fear, has called you a bunch of times since getting the order. This will help to convince the judge that the person is in no fear of you. If you are alleged to have been a certain place at a certain time, perhaps credit card receipts can place you somewhere else.

Sometimes, witnesses can testify that you were nowhere near the alleged place where you made a threat, or might have been with you when you made a call, and can testify that you did not threaten anyone. These witnesses can prepare sworn statements to use at the hearing, and should do so, but it is better that they also come to the hearing. This is done by means of a summons or subpoena, depending on your state. The clerk at your court can issue one of these, which you fill out with the person's name, and the time of the hearing.

Unless this is a friend, whom you can trust will be there, you should have it served by a sheriff or constable, so that the person has to show up. Otherwise, the witness may decide at the last minute to not get involved. If the witness is someone you know you can rely upon, but needs a summons to get out of work, fill out the paperwork, and give it to him or her to give to the boss, without the expense of service, which can run up to \$50.

If the victim claims injuries, you can perhaps subpoena medical records showing there are none, or be prepared to ask her to produce photographs. In a situation where the allegations would be impossible because of geography, you can print out a Google-Earth map showing why the events could not have happened as alleged. If the allegations of wrongdoing could only have succeeded if you were alone, you could show photos or other evidence of many people being around.

Each situation is different, so you must start from what is alleged, and then put together a plan to obtain the needed facts, data, and witnesses to show that the allegations are false.

Tip # 5 - Court Procedures

Most restraining order hearings are conducted informally, but you should still be allowed to present evidence under oath. The procedure varies from state to state, and even within states. Some judges ask the parties to come up to the bench for privacy, and some have them back at the tables in the courtroom. Some judges allow witnesses to be sworn and to take the witness stand, and some have them just speak without being under oath. Some follow the formal rules of evidence as far as allowing documents into evidence, and others allow a very informal procedure. In many courts, restraining orders are heard at a particular time in the court calendar, and others just random.

You may have to do some research in order to know how to do your hearing. You can start with the court clerk and get general information, but you may find that some clerks are quite unhelpful. You should sit in and see how they are done in your court, noting all the details set out in the above paragraph. You need to know where you stand, whether evidence is sworn or not, whether the hearings are formal or informal, and how you get documents into evidence.

If formal rules of evidence are followed in your court, this can present a hefty challenge for a person without legal training. Any documents will need to be certified or otherwise conform to very strict rules for entering evidence. Similarly, you need to learn to ask questions in a manner that conforms to court rules.

If you cross-examine your opponent, here are some key tips. You first need to ask the person to identify his or her name and address. After that, try not to ask the question “why” she did this or that, and do not ask questions that allow the person to give long explanations, but stay with what are called “closed end” questions. Those are ones that force a short answer of ‘yes’, ‘no’, or ‘I don’t know.’ They start with phrases like, “Isn’t it true that...,” or end with “...isn’t that correct?”

You would never ask your opponent, “Why did you lie about me that way?” That allows her to ramble on in her answer about what an abusive jerk she thinks you are. Rather, in a situation where she said you made a threat on the phone, you might ask these questions: “Isn’t it true that I did not make a phone call at the time alleged?”, “These phone records show no call at that time, don’t they?”, “So, you were not truthful with the court when you claimed I threatened you on the phone, were you?”

Alternatively, in a situation where she claimed you injured her, but no injuries are apparent, you could say, “You have claimed that I hit you, correct?”, “And that I gave you a bruise, right?” “But there is no bruise, correct?” “You don’t have any evidence there ever was one, do you?” “You didn’t tell the police you had a bruise, did you?”

Each situation is obviously different, but the principle of using only closed-ended questions is critical, otherwise you are throwing a soft ball that will allow her to paint whatever picture she wants about you with her words. You will regret it.

Many law libraries have books on procedure, but these do not usually cover how restraining orders are conducted. However, most state bars have training books for lawyers which do give that information, so that may be another source for you to get the how-to that you need for conducting the best hearing possible.

Many people believe that if you just go to court and tell the truth, that justice will prevail. This is not always true, especially in restraining order cases. There is a pervasive bias in favor of women in restraining order cases. You have to be very prepared in order to have a chance to win. Do not think justice will just happen. You have to be ready to fight your case with reason and intelligence.

Tip # 6 - How to Act in Court

It is not enough to know the basic law of restraining orders (Section 2 above), or the correct procedure to use in court (Section 5 above). You must also understand the correct court etiquette, or you will be dismissed as a Neanderthal, and the judge will have a hard time believing that you are not abusive.

First, dress up as if you were going to have dinner with the Queen of England. Wear at least a sport jacket and tie, or an actual suit if you have one. Everyone judges others on their clothing and appearance whether we like it or not. In this case, dressing up is a clear message to the judge that you have respect for the court and for the formality of the process. That automatically starts you out on a better foot, or at least eliminates a negative first impression that looking sloppy would create. It is amazing how many people come to court looking like a slob with baggy pants, gaudy gangster “bling”, tank tops, baseball caps, and sneakers. Dressing well sends a subtle message that you are a respectable person, not likely to be abusive.

Whenever you speak to a judge, stand up. Address him or her as “Your Honor,” which is the proper term. If the judge is talking, never ever interrupt. Stop talking immediately if the judge talks. You can pick up where you left off later. If the judge asks you a question, answer it directly. Do not be evasive or try to get back to your point. The judge is asking about that issue because that is what concerns the judge about your presentation, so you must address it. By doing these things, you show subtly that you are a person who abides by rules and shows respect, and are thus less likely to be abusive.

Your voice should be calm, never angry. Speak clearly and slowly, so you can be heard, but not too loudly. You are trying to not only convince the judge of the facts of your case, but of your positive character; so do everything that will be persuasive to that end.

Tip # 7 - “Victim-Witness” Advocates

One of the persons you may have to deal with in the restraining order cast of characters is a so-called “victim-witness” advocate, or some other similarly named interloper. The ‘ Violence Against Women Act,’ pays for these advisors to be at every court to assist complainants to obtain restraining orders.

Officially, these advocates help fill out the paperwork and suggest the phrasing that will be most likely to convince a judge that you are a menace. They have a bunch of phrases that they use, like, “I just don’t know what he is capable of doing,” or “I fear for my safety,” and many other similar vaguely sinister sounding statements. Look for these phrases and be sure to counter them at the hearing by facts, showing that the vague mumblings do not rise to level of credible threats, but are just rhetoric.

These women usually accompany the “victim” to the hearing and stand next to her, sometimes stroking their hand, cuing tears at the right time, and otherwise emotionally manipulating the proceedings. Ignore this at your peril, because it has potential to sway a judge. You need to be aware that such subtle and illegitimate factors may be silently at work.



Tip # 8 - REAL Motives

Even with persuasive evidence and witnesses, you can lose your hearing, if you do not provide a plausible reason why the person got the order, other than abuse. If she is claiming to have been abused or threatened with harm, and you disagree, you must provide an alternate explanation for why she got the order, or the judge will believe the one seeking the order.

What are some possible ulterior motives other than abuse? There are many:

- A. To gain an advantage in a divorce, (Some divorce lawyers routinely advise getting one.)**
- B. To quickly get custody of your children without a hearing;**
- C. She is tired of being ignored or unloved;**
- D. To keep you from your children as a cruel punishment;**
- E. To stop you from modifying custody after your child expresses a desire to live with you.**
- F. To quickly put you out of the house without an eviction or a Probate Court hearing;**
- G. To allow the complainant to get a new boy/girlfriend into the picture, and you out;**
- H. To get vengeance for some offense you did to her, such as cheating;**
- I. To control or manipulate you, or get leverage in some way;**
- J. She was manipulated by a victim-witness advocate;**
- K. To enjoy watching you suffer.**
- L. To obtain money and assistance from a domestic abuse shelter;**
- M. You have been a complete jerk, and she just does not want you around anymore.**

Tip # 9 - Children on the Order

In many cases, children are put on restraining orders without a basis for doing so. Often, a mother can leverage allegations about abuse or threats toward her, to also get the children included within the order. In most states, the laws require that there be a reasonable basis for putting the children on the order, and that is often not met.

If your restraining order is being used as a divorce weapon or a cheap way to get custody quickly, you need to focus on any facts relative to your children, and see whether any basis exists to include them. Whether the order is on their behalf primarily, or whether the mother put them on as a secondary benefit to her own order, you need to marshal facts that show that you did not abuse or threaten your children.

If the allegations about the children in the application and affidavit are weak or non-existent, then you have a good basis for asking that they be taken off. Beware “abuse inflation,” which occurs when nothing was said at the original hearing, but suddenly all kinds of horrible things you did to beat, batter and threaten your children are invented on the spot. You must point out that, if those things were true, surely they are important enough that they would have been mentioned in the original hearing.

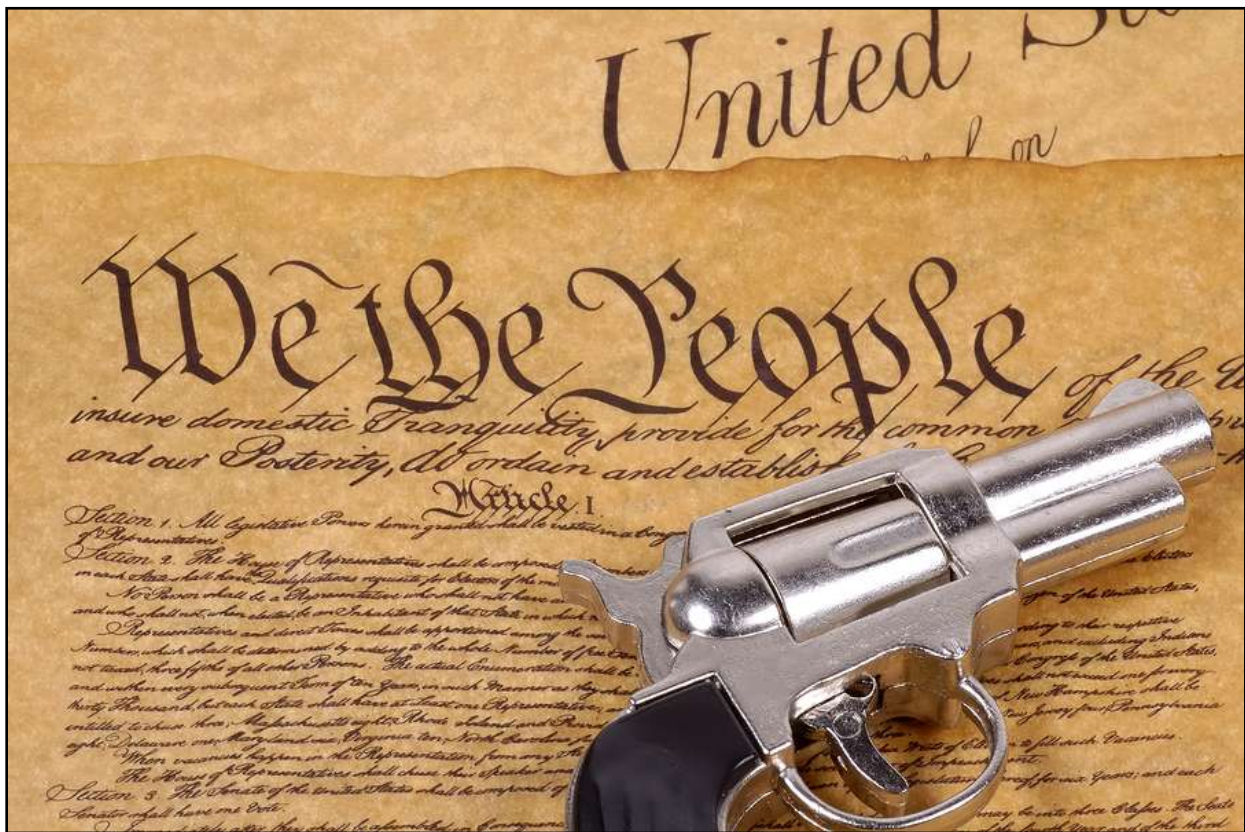
If you were fortunate enough to get a recording of the original secret ex parte hearing, a failure to mention any evidence concerning the children will strongly reinforce your point that they do not belong on the order.

If there has only been yelling or even a minor altercation and it was not done in front of the children, and that is the only basis for putting the children on the order, you should object vigorously.

Tip # 10 - Firearms

Under the federal 'Violence Against Women Act,' (which is obviously biased), it is now a federal crime to have a gun or ammunition if you are the subject of a domestic abuse restraining order issued by a state. All state laws require that the defendants who are issued restraining orders must surrender their firearms and ammunition to the police. Now the feds have gotten into the act, and have made punishable by serious jail time if you have a gun or you travel over state lines with one, after being issued a restraining order.

Until the constitutional right to bear arms is given more respect, this is an ironclad rule. If you ignore it, you will pay a high price.



Tip # 11 - Types of Orders

Restraining orders have a very puzzling set of procedures that are often not explained well to the real victim of the order, that is, the defendant. Here is a general explanation of these procedures (be mindful that there is a great deal of variation from state to state):

When an order is first issued, it is generally done after a secret hearing, with only the complaining party there (ex parte), **and the defendant is not given any notice.** It is very easy for someone to make exaggerated claims and get an order, since there is no one there to object or present the other side of the story. The order will be faxed to the local police department where the defendant lives, and served by the police to the unlucky recipient.

If an order is issued at the ex parte hearing, then a second hearing is set up, at which time the defendant or responding party is notified and invited to attend. It is usually set up for about one to two weeks, which doesn't give a lot of time to prepare. Meanwhile, the defendant has usually been tossed out of his home with nothing but the clothes on his back, no money, and no car. He is most likely an emotional wreck. That is not a good base from which to launch a successful legal fight, but it must be done. If he doesn't successfully get it dismissed a longer term order will be issued.

At the second hearing, when both parties are present, this is where the burden of proof is placed upon the party seeking the protection order; this burden of proof is proven under a fairly low standard. All of the preparation and information gathering is paramount in putting together a successful defense. Those persons who prepare for a hearing have a greater chance of getting the order vacated at that second hearing.

If an order is issued after a hearing, it is usually for a period of one year, unless circumstances motivate the judge to make it a shorter period, such as: wanting to keep people apart during a divorce. Some states allow a longer or even permanent order to

be issued at the second hearing, but not many.

If a one-year order is issued, it will have a date on it to return next year. You will probably get no reminder at all from the court about the date as it approaches. You have to find a way to be sure to remind yourself to get to the hearing next year and prepare once again to contest it.

At that hearing, you will be tempted to say that no order is needed, because you obeyed it scrupulously and caused no problem. Here another cruel part of restraining order reveals itself. Believe it or not, demonstrating that there were no problems during the previous year that an order was in effect is not enough evidence to stop a new order from being entered. The law views compliance with the order as just doing the minimum that was required. This is not worthy of much weight in the consideration of whether to issue it again for another year, or even permanently.

A permanent order can be issued after the first year in most states, or almost immediately in a few. There are no clear rules for when a permanent order should be granted as opposed to a one-year order.

In some states, a defendant can challenge an order if new evidence becomes available, or the situation is changed. There is no uniformity in these rules across the country. The lack of clear standards for issuing orders and extending orders adds to the outrage most defendants feel when they are issued against them. Most other laws require clear objective standards that can be known and understood by all sides. In restraining orders, the judge has almost unbridled discretion to apply whatever standard he or she wishes. This makes the whole process very uneven, subject to political whims, biases and agendas of judges, and easy to manipulate.

Conclusion

I have provided you this material, which has been honest about the gender politics of the Divorce Industry, and the arbitrary application of the law, in order to give you much better odds at resolving whatever issues you may be facing. When fighting a system intent on stripping you of your children, your home, your money, and your dignity, knowledge is power. Educating yourself will give you the best chance of winning your case. I wish you the best of luck in your journey. If you have any questions or comments, please do not hesitate to contact me at: ronaldslasorsa@earthlink.net

Kids Come First Coalition Resources

The “Kids Come First Coalition” is an invitation-only group of likeminded organizations in an unincorporated joint venture, which will work for the greater good of the nuclear family.

www.RestrainingOrder911.com - Get help with your restraining order or temporary restraining order now. Learn how to fight false restraining orders. Find protective order tips to prove your innocence here.

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