

CONDITIONAL BONDS, PROTECTIVE ORDERS AND RESTRAINING ORDERS

Welcome to the Magistrate Court of Houston County. This information is of a general nature and is not meant to be a complete disclosure of the services of this Court or of legal principles and procedures of this Court. If you have any questions, please do not hesitate to ask us.

CONDITIONAL BONDS

When are conditional bonds issued?

A conditional bond is issued in a pending criminal case when the judge who sets bond feels that conditions of pre-trial release are appropriate. In order for a conditional bond to be issued, a criminal warrant **must** be issued! In crimes of a domestic nature (for example, battery, assault, criminal trespass, etc.), conditional bonds are frequently issued by the judge. Depending on the offense, a conditional bond may be issued in a non-domestic offense. However, should you have any question about your safety or the safety of your property, please do not hesitate to ask the court if a conditional bond can be issued.

Who gets the conditional bond?

The offender will be required to sign the conditional bond prior to release from jail. If the victim is the prosecutor, the victim will be given a copy of the conditional bond at the time the warrant is issued. If a law enforcement officer took the warrant, a copy of the conditional bond is available to the victim upon request.

What does a conditional bond do?

A conditional bond is an order of the court that the offender not engage in certain prohibited activities or that the offender attend specified counseling. Some examples of prohibited actions are that the offender is to stay away from the person, home and place of business of the victim and the victim's family; not contact the victim in any manner; that the offender shall not possess any dangerous weapons; that the offender shall not engage in criminal behavior and so forth. It is possible that the offender will be required to attend counseling such as Alcoholics Anonymous or family counseling.

What if the offender violates the conditional bond?

Should the offender violate the terms of the conditional bond which prohibits certain conduct, the appropriate law enforcement agency should be called to report the violation. If the officer did not see the offense occur, the officer may refer the victim to the court that issued the conditional bond for further action. On some occasions, the officer will arrest the offender on the spot for violating the conditional bond. If the offender is failing to carry out counseling or some other requirement of the conditional bond, the victim should contact the court directly.

PROTECTIVE ORDERS

Protective orders can not be issued in the Magistrate Court!

Most common relief requested!

Protective orders cover the majority of situations which are requested on a daily basis in the Magistrate Court. The procedure to obtain a protective order is relatively easy and will most often provide the relief requested and is one of the most strictly enforced orders available.

When are protective orders issued?

Protective orders are issued in the Superior Court upon the filing of a verified petition, and the Superior Court may grant any protective order or approve any consent agreement to bring about a cessation of acts of **family violence**. The procedure to obtain a protective order should be discussed with the Clerk of Superior Court, an attorney, or a Salvation Army Safehouse counselor.

What does a protective order do?

The orders or agreements may: 1. Direct a party to refrain from violent acts; 2. Grant to a spouse possession of the residence of the parties and exclude the other spouse from the residence; 3. Require a party to provide suitable alternate housing for a spouse and his or her children; 4. Award temporary custody of children and establish temporary visitation rights; 5. Order the eviction of a party from the residence and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim; 6. Order either party to make payments for the support of a minor child as required by law; 7. Order either party to make payments for the support of a spouse as required by law; 8. Provide for possession of personal property of the parties; 9. Order a party to refrain from harassing or interfering with the other; 10. Award costs and attorney's fees to either party; and 11. Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

Who serves and enforces a protective order?

A protective order is served on the offender by the Sheriff and shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court.

RESTRAINING ORDERS

Restraining orders can not be issued in the Magistrate Court!

When are restraining orders issued? Restraining orders are issued in the Superior Court and is an order which restrains, or prohibits, certain conduct on the part of an individual. A criminal case need not be prosecuted in order to obtain a restraining order. Typically a restraining order is a part of a pending civil case, such as a divorce. In situations where violence is alleged to be a potential problem in a divorce, it is not uncommon for either of the parties to ask the Superior Court judge to issue a restraining order prohibiting such violence. Restraining orders are issued in other situations as well.

Violations of Restraining or Protective Orders

Should a party violate either a restraining order or protective order, the Superior Court has jurisdiction to deal with that violation. In certain situations, the appropriate law enforcement agency will arrest the offender for violating the terms of the order.

Who to contact for assistance:

Call 911 for: Centerville Police Dept.
Perry Police Dept.
Warner Robins Police Dept.
Houston County Sheriff

Magistrate Court of Houston County
89 Cohen Walker Drive (478) 987-4695
Warner Robins, Georgia 31088

Clerk of Superior Court
Houston County Courthouse (478) 987-2170
Perry, Georgia 31069

For Felony cases, contact:
District Attorney of Houston County
807 Carroll Street (478) 987-2450
Perry, Georgia 31069

For Misdemeanor cases contact:
Solicitor General of Houston County
200 Carl Vinson Parkway (478) 542-2100
Warner Robins, Georgia 31088

Department of Family & Children Services
92 Cohen Walker Drive (478) 988-7600
Warner Robins, Georgia 31088

Salvation Army Safehouse (478) 923-6294

Rainbow House Children's
Resource Center (478) 923-5923

HODAC's Victim Resource Center
2762 Watson Boulevard (478) 953-5675
Warner Robins, Georgia 31093

Georgia Legal Services
791 Poplar Street (478) 751-6261
Macon, Georgia 31201