

of the petition. O.C.G.A. § 19-13-3(c), *see also* O.C.G.A. § 9-5-41(b) (involuntary dismissal for want of prosecution).

- B. If the respondent fails to attend the hearing, the statute still requires the petitioner to prove the allegations of the pleading. O.C.G.A. § 19-13-3(c), therefore there is no default.

2.6.7 **Interpreters:** The court shall provide an interpreter for either a petitioner and or respondent in a temporary protective order hearing, “when necessary for the hearing on the petition.” O.C.G.A. § 15-6-77(e)(4). The court may arrange for payment of the “reasonable cost” of an interpreter out of the local victim assistance funds. O.C.G.A. § 15-6-130 et seq.

- A. Tapestri, Inc., a state organization that provides national training on issues specific to battered refugee and immigrant women, advises that it is dangerous to use victim’s companions or children as interpreters. They recommend developing a list of contract interpreters that are well-trained in domestic violence. (*See Appendix H - Immigrants and Refugees*)

2.7 Employer Protective Order Process

2.7.1 The procedures for employer protective orders in general parallel those for family violence and stalking protective orders. An employer must file a petition, and may obtain an ex parte remedy. The court must hold a hearing within a limited time, and may issue a restraining order of longer duration upon proof of the allegations in the petition.

2.7.2 However, employer restraining order proceedings also vary in significant respects from proceedings for family violence or stalking protective orders:

- A. **Affidavit required for ex parte relief:** To obtain a “temporary restraining order”, in addition to filing a petition, the employer must file an affidavit. O.C.G.A. § 34-1-7(d). The affidavit must address the following facts:
1. the employee has suffered “unlawful violence or a credible threat of violence”;
 2. “great or irreparable harm shall result” to the employee without relief; and
 3. the employer has made “a reasonable investigation into the underlying facts.” *Id. Compare* O.C.G.A. §§ 19-13-3(c), 16-5-94 (in family violence or stalking petitions, requirement of a “verified petition” alleging “specific facts”.)
- B. **Standard for granting ex parte relief:** Before granting a temporary restraining order in an employer petition, the court must find that the affidavit contains “reasonable proof” of its allegations. O.C.G.A. § 34-1-7(d). *Compare* O.C.G.A. §§ 19-13-3(c), 16-5-94 (in family violence or stalking petitions, requirement of “probable cause.”)
- C. **Duration of ex parte relief:** A temporary restraining order in an employer protective order case can last “for a period not to exceed 15 days, unless otherwise modified or terminated by the court.”

- (i) Must apply to Central Authority of child's habitual residence or Central Authority of any other Contracting State for assistance.
 - b) U.S. has designated the National Center for Missing and Exploited Children as Central Authority.
 - c) If child has been wrongfully removed from the U.S. to a foreign country, the U.S. State Department acts as Central Authority.
- 11. Petitioner may file Hague Convention petition in either state or federal court in the place where the child is located at the time the petition is filed.

I. LANGUAGE ACCESS TO INTERPRETERS IN DOMESTIC VIOLENCE CASES

There are both federal and state guidelines that require access to interpreters for foreign language speakers.

- 1. Title VI of the Civil Rights Act requires any agency receiving federal funds to provide meaningful access to foreign language speakers.
- 2. The precise requirement - i.e., what reasonable steps are needed to provide that meaningful access - is determined by a four-factor balancing test:
 - a) Number of Limited English Proficiency (LEP) persons eligible to be served or encountered;
 - b) Frequency of contact with LEP persons;
 - c) Nature and importance of the program to the LEP individuals; and
 - d) Resources available, including costs of providing LEP services.
- 3. The relevant statute provides:
 - a) Interpreters should be provided at no cost to the victim in protective order hearings. 15-6-77(4)
 - b) No fee or cost shall be assessed for any service rendered by the clerk of superior court through entry of judgment in family violence cases under Chapter 13 of Title 19 or in connection with the filing, issuance, registration, or service of a protection order or a petition for a protection order to protect a victim of domestic violence, stalking, or sexual assault. A petitioner seeking a temporary protective order (TPO) or a respondent involved in a temporary protective order hearing under the provisions of Code Section 19-13-3 or 19-13-4 shall be provided with a foreign language or sign language interpreter when necessary for the hearing on the petition. The reasonable cost of the interpreter shall be paid by the local victim assistance funds as provided by Article 8 of Chapter 21 of this title. The provisions of this paragraph shall have control over any other conflicting provisions of law and shall specifically have control over the provisions of Code Sections 15-6-77.1, 15-6-77.2, and 15-6-77.3.
- 4. According to Supreme Court of Georgia court proceeding must be tape recorded if a certified interpreter is not being used.

J. ADDITIONAL SAFEGUARDS FOR PROTECTIVE ORDERS AND BOND ORDERS

Here are some examples of items that can be added to the temporary protective