

## What is a Protection Order ?

A protection order is a court order that usually tells one person not to commit certain acts against another person. In Nebraska you may be able to obtain protection through one of three different protection orders which include: a domestic abuse protection order; a harassment protection order; or a sexual assault protection order. These orders apply to different situations, provide different types of relief, and are enforced in different ways. This guide provides basic information about these three protection orders.

There are other types of orders that may be available through a criminal case, juvenile case, or a divorce/custody case. It is best that you talk with an attorney if you are involved in any of these types of cases before applying for one of the three protection orders.

If a judge approves a request for a protection order, the order allows law enforcement to arrest the person for committing the prohibited acts. In some instances, law enforcement is required to make the arrest if the officer has probable cause to believe that the order was violated.

Protection orders, restraining orders, and criminal no-contact orders can be useful and necessary for some people. However, they do have limitations. The reality is that someone choosing to abuse may not be deterred by the court order and could still assault you before you are able to call law enforcement for assistance. A protection order is just one consideration when planning for your safety.

Nebraska's coalition of domestic violence and sexual assault agencies provide access to safety and shelter across the state. To locate the program nearest you, visit [www.nebraskacoalition.org](http://www.nebraskacoalition.org).

## **The DOVES Program**

**24-Hour Helpline: 866-95-DOVES**

**24-Hour Text Line: 515-559-6620**

**DOVESProgram.com**



**NEBRASKA COALITION**  
TO END SEXUAL AND DOMESTIC VIOLENCE

## Contacting an Advocate

Your local domestic violence/sexual assault program or victim/witness unit can assist you in evaluating whether any of these orders is the best option for your situation. While they cannot give legal advice, they can help you complete the necessary forms to obtain a domestic abuse protection order, harassment protection order, or a sexual assault protection order. They can also help you communicate your safety concerns with a civil attorney, prosecutor or probation officer.

***This brochure is not intended to replace the advice of an attorney.***

# UNDERSTANDING NEBRASKA'S ORDERS OF PROTECTION



**A Guide to  
Domestic Abuse,  
Harassment, and Sexual  
Assault Protection  
Orders**

**The  
DOVES**   
Program  
**866-95-DOVES**



**NEBRASKA COALITION**  
TO END SEXUAL AND DOMESTIC VIOLENCE



## Domestic Abuse Protection Order

This type of order requires that a certain relationship exist between the two people involved. In order to qualify for this order the other person must be any one of the following:

- your spouse or former spouse
- someone that you currently live with or have lived with in the past
- the other parent of one of your children
- your child or another relative
- or someone you are dating or have dated in the past

This type of order requires that the other person either (1) physically injured you or attempted to injure you (2) used a credible threat that caused you to fear bodily injury or (3) engaged in sexual contact or sexual penetration without your consent.

If law enforcement has probable cause to believe that this type of order was violated they are required to make an arrest. A prosecutor will then file charges against the other person. If the other person has never been charged with violating a protection order before this and if convicted this time the other person could face up to one year in jail, receive up to a \$1,000 fine, or both.

If the other person has been convicted for violating any protection order in the past the other person could face up to 2 years imprisonment followed by twelve months of supervision, receive up to a \$10,000 fine, or both. Only the prosecutor can decide whether or not to file criminal charges for violating a protection order.

## Harassment Protection Order

Unlike the Domestic Abuse Protection Order, this type of order does not require that any type of relationship exist between you and the other person. You may qualify for a harassment protection order even if you do not know the other person but can prove the other requirements.

In order to obtain a harassment protection order you must show the court that the other person knowingly committed at least two acts directed specifically at you that were meant to seriously terrify, threaten or intimidate you. A judge may not grant the protection order if the other person proves that there was a legitimate purpose to the action.

If law enforcement has probable cause to believe that this order was violated they may make an arrest. A prosecutor will then file charges against the other person. If convicted, the other person could face up to six months in jail, receive up to a \$1,000 fine, or both. Similar to a Domestic Abuse Protection Order, the prosecutor decides whether or not to charge the respondent with a crime for violating the order.



## Sexual Assault Protection Order

A Sexual Assault Protection Order may be available to any victim of a sexual assault offense. Similar to the Harassment Protection Order, the Sexual Assault Protection Order does not require that any type of relationship exist between the two people. You may qualify for a Sexual Assault Protection Order even if you do not know the other person but can prove a sexual assault offense occurred. You do not need to report the crime to law enforcement and there does not need to be a conviction to qualify for this type of order.

If law enforcement has probable cause to believe that this order was violated they are required to make an arrest. A prosecutor may then file charges against the other person. If the other person has never been charged with violating a protection order before this and if convicted this time the other person could face up to one year in jail, receive up to a \$1,000 fine, or both.

If the other person has been convicted for violating any protection order in the past the other person could face up to 2 years imprisonment followed by twelve months of supervision, receive up to a \$10,000 fine, or both. Similar to both a Domestic Abuse Protection Order and a Harassment Protection Order, the prosecutor decides whether or not to charge the respondent with a crime for violating the order.