

What if I Want the Protection Order Dropped?

If you decide you no longer need the protection order, you need to contact the court to ask for the order to be withdrawn. Even though you may want a protection order dropped, it is still valid until the county has dismissed the order. Until then, the abuser can still be charged for violating the protection order. The judge may decide to keep the protection order in effect even if you request that it be dismissed. You should not be assessed any court costs as a result of dropping the order.

If I Move to Another State, Will My Protection Order Be Enforced?

According to federal law, a valid protection order should be enforced anywhere in the United States. If you move to another state, your Nebraska protection order is still valid.

Many states have laws or rules about how to have an out-of-state protection order enforced. These rules are not the same in every state. For more information, contact local law enforcement, an attorney, or the court clerk. You may also call the local domestic violence program or the National Domestic Violence Hotline at 1-800-799-7233.

If I Have a Protection Order from Another State, Will it be Enforced in Nebraska?

Nebraska law allows law enforcement to enforce valid protection orders from other states, United States territories, and tribal lands. You can call local law enforcement if the abuser disobeys the order. When law enforcement arrives, show them a copy of the protection order. The officer should enforce the order just as if it were issued in Nebraska. It is very important to always have a copy of the order with you.

What Other Federal Laws Apply?

There are federal laws that apply after a valid protection order has been issued. For example:

- It is a federal crime to travel across state or tribal lines with the intent to injure an

individual and then intentionally commit a crime of violence.

- It is a federal crime to travel across state or tribal lines with the intent to violate a protection order and subsequently violate the order.
- Firearms: Individuals who have protection orders issued against them may be prohibited from purchasing, receiving, and possessing firearms and ammunition.

What Can the Local Domestic Violence/Sexual Assault Program Do for Me?

Protection orders can be very useful and necessary for some people. However, they do have limitations. As you are aware, the abuser may not be deterred by the court order and could still assault you before you are able to call law enforcement for assistance.

Your local domestic violence program or victim/witness unit can assist you in evaluating whether a Domestic Abuse Protection Order is the best option for your situation. While they cannot give legal advice, they can help you complete the necessary forms and accompany you through the court process.

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

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Important Phone Numbers

1-800-799- SAFE (7233)
National Domestic Violence Hotline

1-800-656-HOPE (4673)
National Sexual Assault Hotline

The DOVES Program

24-Helpline: 866-95-DOVES

24-Hour Text Line:

515-599-6620

DOVESProgram.com

Nebraska's coalition of domestic violence and sexual assault programs provide access to safety and shelter across the entire state.

To locate the program nearest you, visit

www.nebraskacoalition.org.

Understanding Nebraska's Domestic Abuse Protection Order

A guide for victims, law enforcement,
and service providers.



The
DOVES
Program



Nebraska Coalition to End Sexual and
Domestic Violence
402-476-6256 | nebraskacoalition.org

What is a Protection Order?

A protection order is a special type of court document that orders someone who has been harming another person not to harm that person again. The type of harm required for a Domestic Abuse Protection Order is described below and is different than the harm required for a Harassment Protection Order.

What Is a Domestic Abuse Protection Order?

A Domestic Abuse Protection Order is one of two types of protection orders that can be issued in Nebraska. You can apply for a Domestic Abuse Protection Order if the person abusing you is a spouse, former spouse, a person you currently live with or have lived with in the past, a person you are currently dating or have dated in the past, a person with whom you have a child in common, your child, or another relative.

For a Domestic Abuse Protection Order to be issued by the court, you must show that the abuser attempted to cause or did cause physical injury to you; sexually assaulted you; or placed you in fear of bodily injury with a credible threat.

What Relief is Available if I am Granted a Protection Order?

A Domestic Abuse Protection Order can include any of the following relief:

- Prohibiting the abuser from restraining you
- Prohibiting the abuser from threatening or assaulting you
- Prohibiting your abuser from molesting, attacking, or otherwise disturbing your peace
- Prohibiting the abuser from contacting you
- Removing and excluding the abuser from your residence
- Granting you temporary custody of your children
- Ordering the abuser to stay away from certain locations, such as your work
- Prohibiting the abuser from possessing or purchasing a firearm
- Any other relief that the court deems necessary to ensure your safety

It is important to know that a Domestic Abuse Protection Order may allow you to obtain

temporary custody of your children. However, the custody order will only last up to ninety (90) days. To obtain a permanent custody order that lasts longer than ninety (90) days, you must proceed with a divorce, legal separation, paternity or other court action to address the issues of custody and child support.

How Do I Get a Protection Order?

If you believe that you need a Domestic Abuse Protection Order, you will need to complete and file an application. The application form is filed with the court and reviewed by a judge to determine if you are eligible for the order.

Where Do I Get the Forms?

The Domestic Abuse Protection Order application is available at the Clerk of the District Court's office, your local domestic violence program or victim/witness unit, and online at the Nebraska Supreme Court's website under the "Forms" section. You can complete and file the form without the help of an attorney. The district court clerk will not help you complete the form, so you may want to contact the local domestic violence program or victim/witness unit for assistance.

What Information Will I Need to Complete the Form?

On your application, you will need to provide:

- Specific information of recent abusive events including dates, times, and locations
- Basic information about the abuser including date of birth, social security number, and mailing address, along with any descriptive information
- Past or current court cases involving custody, divorce proceedings, juvenile court actions, or other protection orders

It is important to remember to tell the court when and where the threat was made if your application is based on a threat, as well as why you felt the threat was credible. While the form asks for specific information about the abuser, you can still file the application even if you do not know all the information requested.

What Are the Costs for Filing for a Domestic Abuse Protection Order?

You should not have to pay to file a Domestic Abuse Protection Order unless the court finds that statements you made in the application were not true. Therefore, you need to make sure that all the information contained in the application is as accurate as possible.

What Happens After I Complete the Paperwork?

Once you complete the application for a Domestic Abuse Protection Order and give it to the district court clerk, the clerk will take the application to a judge. The judge will determine if you meet the requirements for the order.

The judge can either sign an order immediately, called an ex parte or temporary order; sign an order telling the respondent to appear in court and explain why the protection order should not be granted, called a show cause order; or deny the order.

- If the order is granted, the clerk will provide the sheriff's department with a copy of the order. The sheriff's department will contact the abuser and give the abuser a copy.
- You will also receive a copy of the order. Keep it with you at all times.
- The abuser will have 5 days to request a hearing with the judge. Even though an ex parte order was issued, a judge could modify or deny the final order after the hearing.

It is important to keep the court clerk informed of how you can be contacted so they can notify you of the date and time of the hearing.

What Happens at the Hearing?

A hearing might be scheduled for one of two different reasons. The respondent to the protection order may request a hearing if the judge issued a temporary or ex parte order. If the judge did not grant your request for a protection order, the judge may also decide that a hearing is needed without the respondent's request. The hearing provides an opportunity for

the judge to learn more about the circumstances surrounding your request for a protection order. Nebraska law directs a judge to enter an order if the respondent fails to appear at the hearing.

The abuser will be given a chance at the hearing to tell the judge why a protection order should not be granted. You will also have an opportunity to tell the judge why you need the protection order. Even though you are not required by statute to attend the hearing, you should make every effort to go to the court in case the judge needs additional information from you. Failure to appear in court may cause some judges to deny your request for an order.

Your local domestic violence program or victim witness unit may be able to provide an advocate to accompany you to your court hearing. If you want someone to go with you, simply call the agency and ask for their help.

After the hearing the judge will decide whether to keep the protection order in place for one (1) year. The final order will not be in effect until the abuser has been served with the final order.

If the judge denies the final order, be aware that any temporary or ex parte orders previously entered will no longer be enforceable.

What Happens if a Protection Order is Violated?

If you have a Domestic Abuse Protection Order and you believe the abuser is violating that order, call law enforcement or 9-1-1. If law enforcement officers believe that the protection order has been violated, they will make an arrest and take the abuser to jail. The abuser will not be released from jail until there is a hearing before a judge. If a person is convicted of violating a Domestic Abuse Protection Order the penalties include one year in jail and/or a \$1,000 fine. There are stiffer penalties for a person who is convicted of a second or subsequent violation of a protection order.