

Module 2:

Protection Order Process

Module 2 provides a general overview of the protection order process and basic terms related to that process.

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You Need to Know that...

This is a general overview. Court rules and processes for protection orders vary depending on state laws.

“Protection order” is a generic term. Different states use different terms (e.g. restraining order, protection from abuse order, injunctive order, etc.)

Protection Orders and LEP Persons

Courts may be required to provide an interpreter (Executive Order 13166)

Immigration status and language proficiency should NOT be a barrier to protection (Violence Against Women Act 2005)

Terms You Need to Know...

Petitioner/Plaintiff – Person requesting protection and seeking specific types of relief from court

Respondent/Defendant – Person protection order issued against; ordered to cease abusive behavior and to follow conditions of the order

What is a DV Protection Order?

A **Protection Order (PO)** is a legal document issued by a court ordering one person to stop harming, threatening to harm, or harassing another person.

Specific relationships: spouse or former spouse; a child in common; living together or formerly lived together; or significant dating relationship.

Main Types of Orders...

Civil Protection from Abuse Order –

Most common form of protection order; requests protection from abuse

Criminal Protection Order – Usually part of a condition of bail/bond, pre-trial release order, conditional release order, or probation order

Temporary vs. Permanent?

A Temporary Protection Order (TPO) is:

- Usually issued after initial request for protection
- Provides temporary, short-term protection – from several days to weeks
- Usually issued *ex parte* – i.e., when other party is not present

Temporary vs. Permanent?

A **Permanent (or Final) Protection Order** will:

- Be issued **after** a hearing where respondent has received notice and opportunity to appear
- Usually be in effect from several months or longer up to a lifetime
- Contain final conditions, and types of relief covered

General Protective Order Process:

1. Plaintiff “petitions” court, but [form](#) process varies
2. Ex parte hearing - TPO issued
3. Respondent served and notified
4. Full hearing held - permanent order may be issued
5. Final conditions of order and possible sanctions for violations covered

Critical Information Needed

General Information:

- Names of both parties
- Other protected parties (e.g., children)
- Relationship of parties
- Details of incident leading to petition
- Specific protection and/or relief requested

Critical Information Needed

Specific Information on Respondent:

- Date of birth, SSN and/or driver's license info
- Last known address
- Physical description
- Access or alleged use of weapon

Order of Protection

Amended Order

Case No.

Court

County State

PETITIONER/PLAINTIFF

First Middle Last

And/or on behalf of minor family member(s): (list name and DOB)

PETITIONER/PLAINTIFF IDENTIFIERS

Date of Birth of Petitioner

Other Protected Persons/DOB:

V.

RESPONDENT

First Middle Last

Relationship to Petitioner:

Respondent's Address

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EYES	HAIR	SOCIAL SECURITY #		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
DRIVERS LICENSE #	STATE	EXP DATE		
<input type="text"/>	<input type="text"/>	<input type="text"/>		

Distinguishing Features

CAUTION:

Weapon Involved

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff.

Additional terms of this order are as set forth below.

The terms of this order shall be effective until

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

Relief Provisions Can Include:

- “Stay away” or “no contact” conditions
- No further abuse
- Support to maintain residence or car, etc.
- Exclusive use of home, car, etc.
- Child support, custody, visitation
- Restitution (for injury or property damage)
- Surrender of firearms (respondent)
- Other relief necessary for safety

Enforcement and Violation of Orders:

1. Petitioner should have certified copy of order with her *wherever* she goes
2. Valid protection orders MUST be recognized and enforced *wherever* a protected party goes in the U.S.
3. Sanctions for violation of order will vary depending on laws

In our next module

We will cover Culture and Language