**Insert your state Court Orders Available to Safeguard Against Abuse and Harassment – Template**

Edit the table below to reflect the correct info for your state.

|  |  |  |  |
| --- | --- | --- | --- |
| **Order****Type** | **Name** | **Intended for a Person Who** | **Learn More****on Page** |
| **Civil** | [Anti-Harassment Order](#AHO) | Has experienced harassing behavior | Insert page after you finish editing this doc |
| [Domestic Violence Protection Order](#DVPO) | Has experienced domestic violence |  |
| [Restraining](#RO)[Order](#RO) | Is a party in a family law case |  |
| [Sexual Assault Protection Order](#SAPO) | Has experienced sexual assault |  |
| [Stalking](#STPO)[Protection Order](#STPO) | Has experienced stalking |  |
| [Vulnerable Adult Protection Order](#VAPO) | Has experienced abuse or exploitation and is vulnerable |  |
|  |
| **Criminal**  | [Domestic Violence No-Contact](#DVNCO)[Order](#DVNCO) | Is a victim of a domestic violence crime and a criminal charge has been filed by the city or state |  |
| [Sexual Assault and Stalking Orders](#SAStalkingNCO) | Is a victim of sexual assault, stalking, or other crimes and a criminal charge has been filed by the state |  |

Civil versus Criminal Proceedings

Review the info in this section to ensure that it accurately reflects the correct info for your state.

Understanding the differences between civil and criminal proceedings can be difficult. While they both take place in court, and both can involve attorneys, judges, witnesses, and multiple parties; civil and criminal proceedings are very different.

**Civil Proceedings**

Civil proceedings are disputes between individuals. The “plaintiff” or the “petitioner” brings a court case against the “defendant” or the “respondent.” When seeking a protective order, a person *petitions* the court for the requested order (that is why they are called a petitioner). The other party may then *respond* to the request for an order (that is why they are called a respondent). If the petitioner proves that the behavior was more likely than not to have happened (this is called proving it by the *preponderance of the evidence*), then the court should grant the requested order.

If the court grants the order, then the respondent will be required to follow it. The petitioner, or someone on behalf of the petitioner, will need to call the police to report it if the respondent violates (breaks) the order. The respondent might be charged with a crime depending on what part of the order the respondent violates.

**Criminal Proceedings**

Criminal proceedings are brought by a prosecutor (an attorney representing the interest of the city, county, or state), and not by individuals. Typically, a criminal proceeding begins after the police investigate a crime and give the information from the investigation to the office of the prosecuting attorney. Prosecutors then determine whether there is enough information to file a case (press charges).

The person charged with the crime is called the defendant. The person who was harmed by the crime is called the victim. The victim does not get to decide whether the prosecutor files a criminal case, but may be asked to testify as a witness. Once charges are filed, the defendant has an opportunity to provide evidence that the crime did not occur. If an agreement between the defendant and the prosecutor (plea agreement) cannot be reached, a judge or a jury will decide whether the defendant is guilty or not guilty.

For a defendant in a criminal case, the penalties can be high (for example, prison). As a result, the defendant has more legal rights and protections in a criminal proceeding than a respondent or a defendant in a civil proceeding. Because a defendant is “innocent until proven guilty” in a criminal case, the government has to provide substantial evidence (proof beyond a reasonable doubt) in order to prove the defendant’s guilt. Similarly, the defendant in a criminal proceeding has the right to an attorney and the right to remain silent. The victim also has rights such as the right to be notified about hearings and the outcome of the case, and the right to have an advocate or a support person present.

In a criminal proceeding, the court has the authority to issue a no-contact order whether the victim wants one or not. Even if the court grants an order in a criminal case, the order will stop being valid if the defendant is found not guilty, if the case is dismissed, or if the court chooses to drop the order. The order might also expire. For these reasons, some people choose to obtain a civil protective order even if they have a criminal no-contact order. A civil protective order is not dependent on the criminal case and can continue even if the criminal order has been dropped. It also may offer protections not available in a criminal order.

Filing Cost

Insert information about filing fees, if any. If there are filing fees, also insert information about how to get them waived.

Giving Notice to the Other Person

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Civil Orders**

For civil protective orders, a petitioner can obtain an emergency temporary order without notifying the respondent if the person can show a risk of irreparable harm (being harmed beyond repair). That order typically lasts 14 days until a full hearing can be held. Before the full hearing, the other party needs to be “personally served” (told about the petition and the hearing). This means the other party needs to be given a copy of the temporary order and the supporting papers that have been filed. It does not mean that you, personally, are the one to the serve the paperwork. The Violence Against Women Act requires law enforcement to serve Domestic Violence Protection Orders, Sexual Assault Orders, and Stalking Orders for free. Law enforcement may be willing to serve other orders for a fee.

You can register for the Statewide Automated Victim Information and Notification (SAVIN) protective order service, a free, confidential system that can notify you by phone when police have served a protective order of any type. Register at [www.registervpo.com](http://www.registervpo.com) or 1-877-242-4055. You will need to provide a phone number and a four-digit PIN (personal identification code). Remove this info if your state does not participate in this program.

Anyone who is over the age of 18 and not a party to the case (if you are the petitioner, then you are a party) can give the paperwork to the respondent, if it is safe. That person must fill out and file with the court a Return of Service form. If the other party is a minor, then the minor’s parent or guardian needs to be served. If it is not possible to serve the papers in person, you can ask the court for permission to serve them via certified mail or through publication (posting the information in a newspaper - an expensive option). Service through mail can be done to the other party’s last known address or to a family member or friend of theirs. Anyone who is not a party to the case and is over the age of 18 can mail the documents. This person must fill out and file a Proof of Mailing form. If the other party has not been served *and* you attend the scheduled hearing, the court can choose to continue the order and set a new hearing. You should be prepared to explain what you have done to try to serve the other party.

**Criminal Orders**

The court will give the defendant a copy of the order at the hearing in which it is entered. This can be at any hearing at which the defendant is present after charges have been filed. Prior to this, the court or law enforcement might tell the defendant not to have contact with the victim, but that is not the same as having an actual order in place.

**Where can I get more info?** Insert links to any local resources available regarding this topic.

Choosing the Right Civil Order Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Please note:** [Restraining Orders](#RO) are not included above since they only apply in family law cases, and [Domestic Violence Protection Orders](#DVPO) may offer stronger protections in many cases.

Civil Orders

Anti-Harassment Order (AHO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get an Anti-Harassment Order if you have experienced harassment. Harassment is when one person harms another through intentionally and seriously alarming or annoying behavior that serves no legitimate or lawful purpose. For example, if your abusive partner’s girlfriend calls or texts you nonstop for no good reason, then this could be considered harassment.

The harassment does not need to be over a long period, but you must have suffered substantial emotional stress in order to qualify for this order. You must also have asked the person to stop the behavior.

**Why might this order be helpful?**

You may want this order if you do not qualify for a Domestic Violence Protection Order (DVPO), but you would like legal protection from the person who is harassing you. This order can stop the other party from bothering or disturbing you, or from going to or near specific places like your home, workplace, or school. If you qualify for a DVPO, you need to file for a DVPO instead of an AHO.

**How long will the order be in effect?**

Temporary order - generally for 14 days

Full order – generally a year or in some cases permanently

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Domestic Violence Protection Order (DVPO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get a Domestic Violence Protection Order if you have experienced behavior that made you feel afraid you would be hurt, caused you to fear for your life, caused you physical pain, or involved stalking. In order to get a DVPO, you must have a relationship with the person who caused this harm, such as a past or present dating relationship, or be part of the same family or household.

**Why might this order be helpful?**

If you are afraid of your abusive partner or family member, this order can provide you with a range of legal protections including: requiring the person to leave your home, ordering no contact by the other party, ordering the other party into a batterer intervention program, providing for temporary child custody or visitation, etc. Depending on your safety needs, you can ask the court for a broader or narrower list of protections. This order can also tell the other party to stop bothering or disturbing you, or to stop going to or near specific places like your home, workplace, or school.

**How long will the order be in effect?**

Temporary order - generally for 14 days

Full order - generally in effect for 1 year (a judge in a family law case has the authority to make the DVPO last longer)

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Restraining Order (RO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get a Restraining Order if you are involved in a family law case. Either party in the case can seek an RO against the other party.

**Why might this order be helpful?**

During a family law case, you may want to seek an RO to stop the other party from bothering or disturbing you, or from going to or near specific places like your home, workplace, or school. Sometimes mutual restraining orders (each party is given a restraining order against the other party) are issued. This can be harmful in cases of domestic violence because it sends the message that both parties are at fault and need protection.

If you qualify for a Domestic Violence Protection Order, that order can give you stronger protections than a Restraining Order, and can be easier to enforce. Law enforcement recognizes their own authority to take action on a DVPO violation, but may feel it is up to the court to handle RO violations.

**How long will the order be in effect?**

Temporary order– the duration of the family law case

Restraining order in the final decree – for a fixed period of time set by the court

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Sexual Assault Protection Order (SAPO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get a Sexual Assault Protection Order if you have experienced sexual assault. Sexual assault is non-consensual or coerced sexual contact or forced sexual display.

**Why might this order be helpful?**

You might want this order if you do not meet the relationship criteria for a Domestic Violence Protection Order (DVPO) and you have been sexually assaulted. This order can tell the person who sexually assaulted you to not have any contact with you, stop bothering or disturbing you, or to stop going to or near specific places like your home, workplace, or school.If you qualify for a DVPO, you need to file for a DVPO instead of a SAPO.

**How long will the order be in effect?**

Temporary order – generally for 14 days

Full order - designated by court up to two years

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Stalking Protection Order (STPO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get a Stalking Protection Order if you have experienced stalking. Stalking may include cyber-stalking, repeated contacts, monitoring and following which causes you to feel intimidated or scared. You must have told the other party that the behavior is threatening, frightening, or intimidating to you.

**Why might this order be helpful?**

You might want this order if you do not meet the relationship criteria for a Domestic Violence Protection Order (DVPO) and you have been stalked. This order can tell the stalker not to have *any* contact with you, not to go to or close to specific locations, and not to monitor you or your children (including banning electronic surveillance). The STPO can also tell the stalker not to contact you through other people. If you qualify for a DVPO, you need to file for a DVPO instead of a STPO.

**How long will the order be in effect?**

Temporary order - generally for 14 days

Full order - fixed period of time or permanent

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Vulnerable Adult Protection Order (VAPO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this civil order?**

You may be able to get a Vulnerable Adult Protection Order if you are considered a vulnerable adult and you need legal protection from abuse, threatened or actual abandonment, financial exploitation (misuse of your money or assets), or neglect. An interested person can also file for a VAPO on your behalf.

A “vulnerable adult” is defined as someone who meets any one of the following criteria:

1. At least 60 years old and is unable to care for her/himself;
2. Incapacitated (such as someone needing a guardian);
3. Living with a developmental disability;
4. Admitted to any facility (such as a nursing home);
5. Receiving services from home health, hospice, or particular home care agencies;
6. Receiving services from an individual provider (such as a personal care attendant);
7. Who self-directs his or her own care and receives services from a personal aide.

**Why might this order be helpful?**

You might want this order if you are considered to be a vulnerable adult and you are being abused, neglected, or exploited. This order might be a better fit for you than a Domestic Violence Protection Order if there has not been physical violence in your relationship or if you need the financial protections that only a VAPO can provide.

Some, but not all, of the uses of a VAPO are:

* To stop the respondent from abusing or exploiting you;
* To exclude the respondent from coming to, or within a certain distance of your residence;
* To require an accounting by the respondent of the use of your resources; and
* To restrain the transfer of property belonging to the respondent and/or you (for a maximum of 90 days).

**How long will the order be in effect?**

Temporary order – generally for 14 days

Full order - designated by court, for a fixed period not more than 5 years

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Criminal Orders

Domestic Violence No-Contact Order (NCO)

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this criminal order?**

The court may choose to issue a Domestic Violence No-Contact Order if you are a victim of a domestic violence crime and the defendant has been arrested, charged, or convicted for that crime.

**Why might this order be helpful?**

This order prohibits the defendant from having any contact with you or knowingly coming within a certain distance of a location. Violating an NCO can be a crime. In some cases, a violation can result in the arrest of the other party. Additional criminal charges may be filed. The penalty will be increased if there was an assault, reckless endangerment, or a drive-by-shooting, or if the abuser has two prior convictions for violating court protective orders.

**How long will the order be in effect?**

It varies. The court can choose to drop or modify the order at any time. Victims can ask that the order be dismissed. However, it is not the victim’s decision. It is up to the court. A post-conviction no-contact order issued by Superior Court at the time of sentencing may last up to the full length of the possible maximum sentence. In District or Municipal Court, it can be in effect for a fixed period not to exceed 5 years. The order terminates if the criminal case is dismissed, if a not guilty verdict is reached, or when it is set to expire.

**Where can I get more info?**

Insert links to any local resources available regarding this order.

Sexual Assault and Stalking Orders

Review the info in this section to ensure that it accurately reflects the correct info for your state.

**Can I get this criminal order?**

The court may choose to issue a criminal Sexual Assault Protection Order or a criminal Stalking No-Contact Order if you are a victim of a stalking or sexual assault crime and you do not qualify for a Domestic Violence No-Contact Order. The defendant must have been arrested, charged, or convicted for the sexual assault or stalking crime.

**Why might this order be helpful?**

This order prohibits the defendant (the person charged with the crime) from contacting you and knowingly coming within a certain distance of a location. Violating these orders is a crime. In some cases, a violation can result in the arrest of the defendant.

**How long will the order be in effect?**

It varies. The court can choose to dismiss or modify the order at any time. A post-conviction no-contact order issued by Superior Court may last up to the full length of the possible maximum sentence. In District or Municipal Court, a criminal Sexual Assault Protection Order can be in effect for a fixed period not to exceed 2 years. A Stalking No-Contact Order may last up to five years. The order terminates if the criminal case is dismissed, if a not guilty verdict is reached, or when it is set to expire.

**Where can I get more info?**

This order is court-initiated. Speak with your advocate in the prosecutor’s office for more information.

For more information about stalking, see the [Stalking Resource Center](http://www.victimsofcrime.org/our-programs/stalking-resource-center).

Insert links to any local resources available regarding this order.

The handout is for educational purposes; it is not intended to serve as legal advice. The content is current as of the time of publication, but may have since changed. If you are not sure where to start or if you need more information, we recommend talking with a domestic violence advocate.

**Tribal Court Orders**

Tribal and state courts and law enforcement must all recognize and enforce valid tribal court orders and state court orders. If you have a valid order from a tribal or state court, you are not required to file it in the tribal or state court where you currently reside, but doing so is free and may make enforcement easier. It can be helpful to talk with an advocate about safety considerations before registering your order. In some cases, registering your order could publicize your new address.

For more information, see [Washington Law Help’s](http://www.washingtonlawhelp.org/) [Violence Against Women Act Reauthorization of 2013: New Protections for Native American Survivors of Domestic Violence](http://www.washingtonlawhelp.org/resource/violence-against-women-act-reauthorization-of?ref=P34h0).

**Military Protection Orders**

A Military Protection Order (MPO) may also be an option for you, if you live on a military base or if the respondent is in the military. MPO’s are enforced by the respondent’s commanding officer and not by the state courts.

This tool was adapted from the Domestic Violence and Mental Health

Collaboration Project’s Family Law Toolkit for Survivors.

The original version of this tool can be found at

<http://endgv.org/toolkits/family-law-toolkit-for-domestic-violence-survivors/>.

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