

PROTECTION ORDER INFORMATION - SEXUAL ASSAULT

Information on protection orders may be found at: <https://supremecourt.nebraska.gov/self-help/protection-abuse>

A sexual assault protection order is a court order issued to a victim of sexual assault, pursuant to [Neb. Rev. Stat. § 28 - 3 1 1. 11 et seq.](#) The protection order may prohibit the respondent from:

- imposing any restraint upon the person or liberty of the petitioner,
- harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner,
- telephoning, contacting, or otherwise communicating with the petitioner.

Once the protection order petition is granted, it may not be withdrawn except upon order of the court.

The protection order shall be effective for one year unless otherwise dismissed, modified, or renewed by the court.

The protection order may be issued without a hearing, upon the information provided to the judge. This is called an “ex parte” protection order. The judge may also set the petition for hearing to allow the parties to present additional facts or clarification prior to issuing the order.

If a hearing is scheduled, you should appear. If you want to present information to the judge, although it is not required, you should bring any proof with you which supports your position. Examples might include a witness who saw or overheard the interactions between you and the other person or any written or photographic information that will help the judge decide what happened. Information from a cell phone or other device should be printed, as it may need to remain on file with the court.

You may hire a lawyer to help you. If you fail to appear, the case may proceed without you.

A court, on its own motion or at the request of the petitioner, may treat a petition for a sexual assault protection order as a request for a domestic abuse protection order or harassment protection order, if it appears from the facts in the petition, affidavit and evidence presented at a show-cause hearing that such other protection order is more appropriate.

NOTICE TO PETITIONER

Fees to cover costs associated with the filing, issuance, or service of a protection order shall not be charged, except that a court may assess such fees and costs if the court finds that the statements contained in the application were false and that the protection order was sought in bad faith.

NOTICE TO RESPONDENT

If there has been an **Ex Parte** Protection Order served upon you and you wish to request a hearing to show cause why the order should not remain in effect, you must request a hearing on the provided “Request for Hearing” form by completing the form and returning it to the clerk of the district court at the address listed at the bottom of the form. You must return the form within ten (10) business days after you have been served. The court will schedule a hearing within thirty (30) days after reviewing your request and shall notify you and the petitioner of the hearing date.

If there is a hearing scheduled and you wish to defend against the claims set forth in the application for a protection order, you must appear at the hearing. You are warned that if you fail to appear, a final order may be entered against you for the relief requested in the petition.

You are required to obey the terms of the protection order as soon as it is served upon you. If you disobey the terms of the protection order, you will be subject to the following **Nebraska Revised Statutes**.

Violation of a Protection Order: Any person convicted of violating the terms of a sexual assault protection order after being served, pursuant to [Neb. Rev. Stat. § 28-311.11\(4\)](#), shall be subject to penalties as described in either [Neb. Rev. Stat. § 28-105](#) for a class IV felony or [§ 28-106](#) for a class I misdemeanor.

If a protection order has been issued against you, the following **United States Federal Statutes** apply:

Full Faith and Credit Provision: Pursuant to [18 U.S.C. § 2265](#), this order is enforceable in all fifty (50) states, the District of Columbia, tribal lands and U.S. territories. The penalties for violation of this order are determined by the existing penalty of the location where the violation occurred. Nebraska’s Sexual Assault Full Faith and Credit provisions are found in [Neb. Rev. Stat. § 28-311.12](#).

Interstate Domestic Violence/Violation of a Protection Order:

- If you travel across state or tribal borders with the intent to injure the petitioner or violate the protection order and then intentionally commit a crime of violence causing bodily injury to the petitioner or violate the protection order, you may be convicted of committing a federal offense under [18 U.S.C. § 2261\(a\)\(1\)](#).
- You may also be convicted of committing a federal offense if you cause the petitioner to cross state or tribal borders for this purpose. [18 U.S.C. § 2262\(a\) \(2\)](#).