

## **PROTECTION ORDER INFORMATION DOMESTIC ABUSE**

A domestic abuse protection order is a court order issued to provide protection to a victim of domestic abuse, pursuant to [Neb. Rev. Stat. § 42-924 et seq.](#) Pursuant to [Neb. Rev. Stat. § 42-903](#), a victim of domestic abuse includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common, persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other.

In order to qualify for a protection order for domestic abuse, the acts of abuse must be those in which the respondent:

- the victim must tell the judge the events and dates of when they say they were abused. This must include the most recent and most severe incident(s).
- attempted to cause or intentionally and knowingly caused bodily injury with or without a dangerous instrument, or
- placing, by means of a credible threat, the petitioner or child of the petitioner in fear of bodily injury,
- or by engaging in sexual contact or sexual penetration without consent.

A protection order may:

- prohibit the respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, and telephoning, contacting, or otherwise communicating with the petitioner.
- remove and exclude the respondent from the residence of the petitioner, regardless of the ownership of the residence.
- require the respondent to stay away from any place specified by the court.
- prohibit the respondent from possessing or purchasing a firearm.
- order other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.
- award the petitioner temporary custody of any minor children for up to 90 days.
- grant petitioner sole possession of household pet(s) for the duration of the protection order. Sole possession does not determine ownership. The petitioner shall not permanently transfer, sell, or dispose of a household pet(s) placed in the petitioner's possession without prior court approval. Court approval shall not be required in cases where humane euthanasia of a seriously ill or injured household pet(s) is recommended by a licensed veterinarian.
- enjoin the respondent from coming into contact with, harming, or killing any household pet(s) owned, possessed, leased, kept, or held by the petitioner, the respondent, or any family or household member of the petitioner or respondent.

**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, from issuance, unless otherwise modified by the court.

In the event the protection order is sought for a minor child, the petition should be filed by the parent, guardian, or next of kin of the minor child.

A court, on its own motion or at the request of the petitioner, may treat a petition for a domestic abuse protection order as a request for a sexual assault 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**

If you requested this protection order and wish to request a hearing, contact the Clerk of the District Court.

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, the case will proceed without you and 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 issued by a Nebraska court, or a protection order issued in another state, the District of Columbia, tribal lands and U.S. territories, you will be subject to the following **Nebraska Revised Statutes**.

**Violation of a Protection Order:** Any person convicted of violating the terms of a protection order after being served shall be guilty of a Class I misdemeanor. Any person convicted of violating a protection order who has a prior conviction for violating a protection order shall be guilty of a Class IV felony. [Neb. Rev. Stat. § 42-924](#).

**Penalties:** A Class I misdemeanor is punishable by not more than one year imprisonment, or one thousand dollar fine, or both. A Class IV felony is punishable by a maximum of two years imprisonment and 12 months post-release supervision, or ten thousand dollars fine, or both. [Neb. Rev. Stat. §§ 28-106 & 28-105](#).

If a protection order has been issued against you, the following **United States Federal Statutes** apply to the issuance of a qualifying protection order.

**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 in which the violation occurred. Nebraska's Domestic Abuse Full Faith and Credit provisions are found in [Neb. Rev. Stat. § 42-931](#).

**Interstate Domestic Violence//Violation of a Protection Order:**

- If you travel across state or tribal borders with the intent to injure the petitioner and then intentionally commit a crime of violence causing bodily injury to the petitioner, 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\(a\)\(2\)](#).
- If you travel across state or tribal borders with the intent to violate the final protection order and subsequently violate such 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 either of these purposes. [18 U.S.C. § 2262\(a\)\(2\)](#).