



Protection Order Form Guide

July 2012

This brochure only provides you with some general information regarding how to complete the required forms in order to file for a protection order.

Contact an attorney for legal advice and more complete information.

For persons with disabilities, this brochure will be made available in other formats upon request.

Call the Office of the State Court Administrator, 402-471-3730.

Types of protection orders:

A Domestic Abuse Protection Order is for people who have been in close relationships (relatives, spouses or former spouses, people who have lived or are living together, etc). It is granted because someone attempted, threatened, caused bodily injury, or intimidated the other person by credible threat, or engaged in sexual contact or sexual penetration without consent.

The second type of protection order is a Harassment Protection Order. It does not depend upon relationships, but requires a number of telephone or personal contacts that seriously terrify, threaten, or intimidate the victim and serve no legitimate purpose.

Note: Neither type of protection order is for the purpose of protecting property.

Protection Order Forms:

There are 3 forms needed to file for a protection order, no matter which type you are requesting. They are:

- 1. Petition and Affidavit*
- 2. Praecipe*
- 3. Social Security Numbers, Gender, and Birth Date Form*

A fourth form, the Request for a Modification form, is also available. This form is to be used once a protection order has been granted, in order to request any changes to the order.

Petition and Affidavit

The petition and affidavit for a Domestic Abuse Protection Order looks a little different than a Harassment Protection Order petition and affidavit. The pieces of these forms that are the same are discussed below. The differences of the Domestic Abuse petition and affidavit are detailed later in this document.

The Petition and Affidavit is the form that you will use to tell the court why you would like protection from the other person. On this form, you are the Petitioner and the person you would like to be protected from is the Respondent.

Fill in the blanks on this form, in order to provide the Court with the required information.

On the first page of the form, please indicate if you are filing this petition on behalf of anyone else. Next, you will need to indicate your address. The court may need to contact you if a hearing is scheduled, so if you indicate that you are residing at an undisclosed

location, please make sure to provide the Clerk, separately from the form, with information on how to get ahold of you.

You will be asked to provide information regarding any past, pending, or current court proceedings. This information is used by the court to determine what other information, if any, should be considered in relation to this request.

The court is able to provide interpreters for hearings, so it is important to note whether or not you and/or the probationer do not speak English.

The form provides an area for you to request from the court the specific things you would like the respondent to be prevented from doing. This is on question 6 on the Harassment petition and on question 9 on the Domestic Abuse petition. Please review these carefully and request those items that you feel you need, based on the abuse or harassment the respondent has done to you.

You are also provided the opportunity on this form to indicate your preference for a District Court Judge or a County Court judge. The Clerk will take this into consideration when processing your petition and affidavit.

Near the end of the form, you will see an area with blank lines. In this area you will need to provide the court with specific, detailed information regarding the abuse or harassment you have experienced. The judge will not have any information other than what you write on this form to consider when deciding whether or not to approve your request for this protection order.

At the end of the form is a place for your signature. You will be required to sign this document in front of the Clerk of the District Court, or a Notary Public. Please wait to sign this document until you bring it to the Clerk to have it filed with the court.

Domestic Abuse Protection Order Petition and Affidavit Differences:

If you are wanting to request a Domestic Abuse Protection Order from the court, you will need to check the box that best represents the relationship between you and the respondent (#4). You will also be required to, on this form, provide specific identifying characteristics about the respondent (#5). These will be used to help law enforcement identify him/her. If you are not able to answer all of these, just leave the space blank.

The Domestic Abuse Protection Order also asks about any minor children (#8). This information will be used by the judge when reviewing your order, and will also be used if temporary custody is something that you request.

The Domestic Abuse Protection Order has additional items that you can choose from, to limit what the respondent can/cannot do (#9). These include removing and excluding the respondent from the house that you may share, requiring the respondent to stay away from specific locations, such as your child's daycare. You can also request temporary custody, for up to 90 days, and you can ask that the respondent not be able to own or buy a gun, while the protection order is in place. The last check box is a place for you to request any other relief you feel you need in regards to the abuse you have experienced.

Praeipice (Form DC 19:1)

This form is used by the court and by local law enforcement to serve the protection order

on the respondent. This form should be filled out as best as possible. If you are not able to answer all of the questions, simply leave those areas blank. In order to assist law enforcement with serving your protection order, it may be helpful to attach a color photo with your petition and affidavit.

Social Security Numbers, Gender, and Birth Date Form (DC 6:5)

This form is used by the Court to gather information that will not be a part of the public court file. It is important for you to provide as much information as is possible on this form, specifically the date of birth for the respondent and the petitioner.

Other facts:

- You can get a protection order even if you are not a U.S. citizen.
- You are free to change your mind and ask the court to dismiss the protection order. However, the judge decides whether it will be dismissed to make sure that you were not forced to change your mind. Until the judge dismisses the order it is still valid.
- If you do not speak English, ask for a court interpreter before any hearing. You may wish to bring an adult who is bilingual to assist with interpretation outside of the hearing. The court can supply an interpreter only for hearings, not to help you fill out the forms.
- You are not required to have a lawyer but having one may be a good idea, especially if you have children and you expect the other party to seek custody. If the other party has a lawyer and you do not, you may be at a disadvantage.