



How to Respond to an Ex Parte Protection Order Frequently Asked Questions

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This brochure only provides you with some general information regarding how to respond to 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.

What is a protection order?

An order from a judge to protect people from abuse or harassment.

What types of protection orders are there?

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). It is granted because someone attempted, threatened, caused bodily injury, or intimidated the other person by physical menace.

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.

How was the protection order granted?

The person who filed for the protection order, known as the petitioner, filed forms for a protection order with the district court clerk. The clerk gave the forms to a judge. The judge signed the order “ex parte” which means without an immediate hearing and before you receive notice.

What happens after the judge signs the protection order?

The order is effective when it is signed by the judge and you are given a copy by the sheriff. If you want to contest the entry of the order, you have 5 days from the day you were given the order by the sheriff to ask the court in writing for a hearing by filing with the clerk of the district court. The hearing will allow both sides to tell the judge their side of the story. You have the responsibility to ask for the hearing by filing the form which was included in the packet of information given to you by the sheriff. The clerk or the judge’s bailiff will let you know the time and date of the hearing. It is important that the clerk know how to get in touch with you so be sure that you include your address and pay attention to your mail.

How long does a protection order last?

An “ex parte” protection order lasts until you go to court, if you ask for a hearing to contest the order. At court, the judge decides if the protection order will be canceled or continued for one year. If you do not ask for a hearing, then the protection order remains in effect for a year.

Do I need to bring anything to court?

Although it is not required, you should bring any proof with you which shows that the order should not remain in effect, such as

- *A witness who saw or overheard the interactions between you and the other person.*
- *Any written information that will help the judge decide what happened.*

You may hire a lawyer to help you, particularly if children are involved. If you do not attend the hearing which you asked for, you should expect that the judge will extend the protection order for the full year.

What do I do after the court hearing?

If the judge decides the protection order should remain in effect, it is effective for one year from the date it was originally signed. You should follow the order at all times. This protection order is good in every state, even if the petitioner travels to or moves to another state. If you have questions about whether or not the order is active, please contact the court.

What if the protection order is not obeyed?

Review the protection order carefully, so as to have a clear understanding of what is prohibited. If you violate the protection order, you should expect that the police will be called. You could be arrested and jailed and convicted of a crime.

What if the person who filed for/obtained the protection order tells me that he or she does not want the order to continue?

A protection order is a judge's order. Until a judge says in writing that the protection order is dismissed, modified, or canceled it is still in effect. You should not try to influence the person who filed for/obtained the protection order to change the protection order. This could be a violation of the order.

Other facts:

- *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.*