

A Guide to Domestic and Sexual Violence Related Court Orders

PROTECTING VICTIMS OF VIOLENCE

There are many ways a victim of domestic violence, sexual assault and/or harassment can seek safety and wellbeing for themselves and other people in their lives. Court orders are one way to do so. They offer a range of protections from offenders and can play an important part in a victim's safety plan.

In Nebraska, there are several different types of court orders that a victim could obtain. This guide was created to clarify the purpose and provisions of each order in an easily digestible manner for system professionals. Whether you are helping a victim obtain a court order or enforcing an order that has already been filed, this guide serves as one tool to make well-informed and victim-centered decisions.

In this guide, we use the term victim to refer to those with lived experience of domestic and/or sexual violence because that terminology is used in statute. We honor and recognize however that many individuals with lived experience do not identify as such. Some individuals identify as victims, some as survivors, some as both and some as neither. It is important to give those with lived experience power in defining their own experiences. Always ask individuals with lived experience of domestic and/or sexual violence how they would like to be referred to so as to not make potentially harmful assumptions.

DOMESTIC ABUSE
PROTECTION ORDER

HARASSMENT
PROTECTION ORDER

SEXUAL ASSAULT
PROTECTION ORDER

NO CONTACT
ORDER

CIVIL RESTRAINING
ORDER

ORDER TO CONDUCT
CONTROL

MILITARY PROTECTIVE
ORDER

MILITARY NO CONTACT
ORDER

NOTE ON FOREIGN PROTECTION ORDERS:

Foreign protection orders issued by other U.S. states, tribes and territories are all valid and enforceable in Nebraska. There is no need to request a new Nebraska protection order if a valid foreign protection order is already in effect.

To enforce a foreign protection order, law enforcement will need a valid copy of the order. Foreign protection orders are often entered into National Crime Information Center (NCIC), but this is not always the case. Victims can submit a copy of their foreign protection order to the Nebraska State Patrol to ensure the order is available electronically to Nebraska law enforcement.

It is also important to note that foreign protection orders might resemble orders issued in Nebraska, but they often have different names. For example, in Iowa a protection order is referred to as a restraining order. Foreign protection orders might also have different durations/timeframes. For instance, many tribal courts issue lifetime orders, which never expire.

DOMESTIC VIOLENCE PROTECTION ORDER¹

Domestic abuse, sometimes called domestic violence or intimate partner violence, is a pattern of behaviors toward another person to establish and maintain power and control over the person. Abuse is defined in under the Domestic Abuse Act and includes a variety of behaviors that may include: shoves, kicks or blows inflicted, weapons used, threats made, injuries sustained, medical or hospital treatment necessary.

PURPOSE: Protects victims of domestic abuse and dependents or minor children from their offenders.² The relationships between victim and offender can include current or former spouses or dating partners, persons who live together or have lived together, persons who share a child in common, children and other relatives. A protection order is typically granted because the offender threatened, attempted, and/or caused bodily injury, and/or sexually assaulted the victim.

WHO CAN FILE?	<p>Victim (petitioner). If the order is sought for a minor, the petition should be filed by the parent, guardian or next of kin of the minor.</p> <p>TIP: All victims are encouraged to seek the assistance of an advocate when filing for a protection order. If the victim has limited English proficiency, a bilingual advocate should be contacted.</p>
WHO'S PROTECTED?	<p>All victims of domestic abuse (including non-U.S. citizens) and any additional minor children included on the petition. See relationships that qualify in 'Purpose' area above.</p>
DURATION/TIMEFRAME	<p>1 year</p>
RENEWABLE?	<p>Orders may be renewed for one year at a time. An application for renewal can be submitted anytime within 45 days of the expiration of the current order.</p>
COST?	<p>None</p>
ISSUED BY:	<ul style="list-style-type: none">• Issued by the court based on submitted application• May be issued ex-parte (as an emergency) or scheduled for show cause hearing• Orders may only be withdrawn by the court

<p>TERMS</p>	<p>A domestic abuse protection order may:</p> <ul style="list-style-type: none"> • prohibit the offender from threatening, attempting and/or causing bodily harm to the victim • prohibit the offender from communicating with the victim • remove the offender from the residence of the victim regardless of the ownership of the residence • require the offender to stay away from places specified by the court • prohibit the offender from possessing or purchasing a firearm • award the victim temporary custody of any minor children for up to 90 days • provide for 'other relief deemed necessary' such as possession of pets
<p>FILED IN NCIC?</p>	<p>Yes</p>
<p>HOW TO FILE?</p>	<p>All required forms can be printed and filled in by hand or completed electronically.³ Submit forms by mail, fax, in person or via email to the Clerk of the District Court.⁴</p>
<p>NOTARY REQUIRED?</p>	<p>Yes, in person or electronic</p>
<p>ENFORCED BY:</p>	<ul style="list-style-type: none"> • All law enforcement • Violations of the protection order shall result in an arrest by law enforcement, with or without a warrant

HARASSMENT PROTECTION ORDER⁵

Harassment refers to a pattern of behaviors including following, detaining, restraining, stalking or communicating with a specific person in a manner which seriously terrifies, threatens or intimidates the person.

PURPOSE: Protects victims of harassment from their offender(s).⁶ This protection order is not dependent on the relationship between the victim and the offender (like the Domestic Abuse Protection Order) but is granted because of a sequence of communications from the offender that seriously terrify, threaten or intimidate the victim.

WHO CAN FILE?	<p>Victim (petitioner). If the order is sought for a minor, the petition should be filed by the parent, guardian or next of kin of the minor.</p> <p>💡 TIP: All victims are encouraged to seek the assistance of an advocate when filing for a protection order. If the victim has limited English proficiency, a bilingual advocate should be contacted.</p>
WHO'S PROTECTED?	All victims of harassment (including non-U.S. citizens)
DURATION/TIMEFRAME	1 year
RENEWABLE?	No
COST?	None
ISSUED BY:	<ul style="list-style-type: none"> • Issued by the court • May be issued ex-parte (as an emergency) or scheduled for show cause hearing • Orders may only be withdrawn by the court
TERMS	<p>A harassment protection order may:</p> <ul style="list-style-type: none"> • prohibit the offender from threatening, attempting and/or causing bodily harm to the victim • prohibit the offender from communicating with the victim • provide for 'other relief deemed necessary' such as possession of pets

FILED IN NCIC?	Yes
HOW TO FILE?	All required forms can be printed and filled in by hand or completed electronically. ⁷ Submit forms by mail, fax, in person or via email to the Clerk of the District Court. ⁸
NOTARY REQUIRED?	Yes, in person or electronic
ENFORCED BY:	<ul style="list-style-type: none"> • All law enforcement • Violations of the protection order <u>may</u> result in an arrest by law enforcement with or without a warrant

SEXUAL ASSAULT PROTECTION ORDER⁹

Sexual assault broadly refers to any enacted or attempted sexual contact or behavior that occurs without the explicit consent of the victim or if the victim is too young or unable to consent. This can also include coercion to engage in a sexual act against their will and drug/alcohol facilitated sexual assault. It can be anything from touching genital or breast areas over the clothes to vaginal, anal or oral penetration.

PURPOSE: Protects victims of sexual assault from their offender(s).¹⁰ This protection order is not dependent on the relationship between the victim and the offender (like the Domestic Abuse Protection Order) but is granted because the offender subjected or attempted to subject the victim to sexual contact or penetration without consent.

<p>WHO CAN FILE?</p>	<p>Victim (petitioner). If the order is sought for a minor, the petition should be filed by the parent, guardian or next of kin of the minor.</p> <p>💡 TIP: All victims are encouraged to seek the assistance of an advocate when filing for a protection order. If the victim has limited English proficiency, a bilingual advocate should be contacted.</p>
<p>WHO'S PROTECTED?</p>	<p>All victims of sexual assault (including non-U.S. citizens)</p>
<p>DURATION/TIMEFRAME</p>	<p>1 year</p>
<p>RENEWABLE?</p>	<p>Orders may be renewed for one year at a time. An application for renewal can be submitted anytime within 45 days of the expiration of the current order.</p>
<p>COST?</p>	<p>None</p>
<p>ISSUED BY:</p>	<ul style="list-style-type: none"> • Issued by the court • May be issued ex-parte (as an emergency) or scheduled for show cause hearing • Most orders issued ex-parte turn into final orders • Orders may only be withdrawn by the court
<p>TERMS</p>	<p>A sexual assault protection order may:</p> <ul style="list-style-type: none"> • prohibit the offender from threatening, attempting and/or causing bodily harm to the victim • prohibit the offender from communicating with the victim

FILED IN NCIC?	Yes
HOW TO FILE?	All required forms can be printed and filled in by hand or completed electronically. ¹¹ Submit forms by mail, fax, in person or via email to the Clerk of the District Court. ¹²
NOTARY REQUIRED?	Yes, in person or electronic
ENFORCED BY:	<ul style="list-style-type: none"> • All law enforcement • Violations of the protection order shall result in an arrest by law enforcement with or without a warrant

NO CONTACT ORDER

PURPOSE: Prohibits contact with a victim by an offender as part of the offender's bond on a criminal case. This order does not apply to criminal cases where the offender is released on their own recognizance, without a bond.

WHO CAN FILE?	The court
WHO'S PROTECTED?	Victims in criminal cases
DURATION/TIMEFRAME	Determined by the court
RENEWABLE?	No, it remains attached to the bond for the duration of the criminal case
COST?	None
ISSUED BY:	<ul style="list-style-type: none">• Issued by the court overseeing criminal case against the offender• Provision of bond (automatically attached to bond on domestic violence cases)
TERMS	<ul style="list-style-type: none">• Prohibits offender only• Failure to comply with No Contact Order is a violation of a bond• Can only be removed by the court• Does NOT currently qualify for firearms prohibition
FILED IN NCIC?	No
ENFORCED BY:	<ul style="list-style-type: none">• Law enforcement CANNOT arrest on violations• Enforced only by the issuing court• Bond review/revocation must be filed by the county attorney's office with the court

CIVIL RESTRAINING ORDER¹³

PURPOSE: Directs the behavior permitted between parties/individuals to a pending divorce or custody case. May instruct both parties not to harass, insult or intimidate the other party. In a pending divorce case, it may also order both parties not to take any actions that impact the marital estate, including transferring, hiding or disposing of assets.

WHO CAN FILE?	The court
WHO'S PROTECTED?	Parties in a pending divorce or custody case who have experienced harassment, insults or intimidation.
DURATION/TIMEFRAME	Order is effective only during the pendency of the case
RENEWABLE?	Typically, the order only stays in place for the duration of the case. Determined at the discretion of the judge.
COST?	None
ISSUED BY:	<ul style="list-style-type: none"> • Issued by the court where the divorce or custody case is pending • Issued following request by either one or both of the parties or their attorneys • No hearing requirement
TERMS	<ul style="list-style-type: none"> • No standard state forms in Nebraska, so it may look different depending upon where/who issued • Court determines terms • Does NOT typically qualify for firearms prohibition
FILED IN NCIC?	No
ENFORCED BY:	<ul style="list-style-type: none"> • Law enforcement CANNOT arrest on violations • Enforced only by the issuing court • Violations of restraining order must be heard by the court who issued the order. This typically requires the victim or victim's attorney request a hearing with the court on the violations.

ORDER TO CONTROL CONDUCT¹⁴

PURPOSE: Prohibits detrimental or harmful conduct toward juveniles by party(ies)/individuals in juvenile court case.

WHO CAN FILE?	Juvenile court files a motion or victim petitions
WHO'S PROTECTED?	Juveniles involved in court system
DURATION/TIMEFRAME	Determined by the court
RENEWABLE?	Typically the order only stays in place for the duration of the case. Determined at the discretion of the judge.
COST?	None
ISSUED BY:	<ul style="list-style-type: none"> • Juvenile court • Not domestic violence specific but can be used in domestic violence situations. Sometimes used when it is too dangerous for the victim to file a protection order or the protection order was denied
TERMS	<ul style="list-style-type: none"> • No standard state forms in Nebraska, so it may look different depending upon where/who issued • Court determines terms • Does NOT typically qualify for firearms prohibition
FILED IN NCIC?	No
ENFORCED BY:	<ul style="list-style-type: none"> • Can be enforced by law enforcement pursuant to 42-924 (Domestic Abuse PO) so <i>shall</i> arrest

MILITARY PROTECTIVE ORDER (MPO)¹⁵

PURPOSE: Ensures the safety and security of military persons, protects other individuals from military persons and/or prevents misconduct according to military judicial codes. MPOs are used when disputes involve a criminal investigation or certain offenses (e.g. sexual assault, harassment, violent crimes).

WHO CAN FILE?	Put in place by authorized G-series commanders
WHO'S PROTECTED?	Anyone. The offender must be under military jurisdiction.
DURATION/TIMEFRAME	Length of prohibition determined by commander
RENEWABLE?	At the discretion of the military commander/supervisor
COST?	None
ISSUED BY:	<ul style="list-style-type: none"> • Issued ONLY by authorized commanders (G-series) • May ONLY be issued against military members • Must be issued in writing (NOT verbal) • Commanders should not issue MPOs that are less restrictive than the terms of non-military protection orders; however, the terms may be more restrictive
TERMS	<ul style="list-style-type: none"> • Can apply overseas (unlike non-military protection orders) • Can protect victims as they pursue a non-military protection order, or in support of an existing non-military protection order • Can be queried by non-military law enforcement • Can result in 72-hour delay for purchasing new firearms but does not qualify for full firearms prohibition • The protection order may require the offender to: <ul style="list-style-type: none"> ◦ limit communications ◦ receive counseling ◦ stay away from specific places ◦ move into or out of military housing ◦ surrender government weapons ◦ dispose of personal firearms stored on military premises

FILED IN NCIC?	Yes, for the duration of the order (does not result in the denial of firearms purchases)
ENFORCED BY:	<ul style="list-style-type: none">• Military law enforcement shall enforce• Non-military law enforcement may not enforce but should notify military law enforcement of off-base violations and may transport offender and turn in to military law enforcement if requested• Violations of the no contact order may result in judicial, non-judicial or administrative action and barment from military facilities

MILITARY NO CONTACT ORDER¹⁶

PURPOSE: Ensures the safety and security of military persons, protects other individuals from military persons and/or prevents misconduct according to military judicial codes. Ordinarily, Military No Contact Orders are used where disputes do NOT involve criminal investigations or certain offenses (e.g. sexual assault, harassment, violent crimes) and where a MPO is more appropriate. Military No Contact Orders offer narrower protections than MPOs and may be used as a temporary measure when the authorized commander necessary for MPOs is unavailable.

WHO CAN FILE?	Put in place by military personnel, typically commander/supervisor of offender when the offender is military
WHO'S PROTECTED?	Anyone. One individual (offender or victim) must be under military jurisdiction.
DURATION/TIMEFRAME	Length of prohibition determined by issuer
RENEWABLE?	At the discretion of the military commander/supervisor
COST?	None
ISSUED BY:	<ul style="list-style-type: none"> • Issued by any military person senior in rank to victim • May be verbal or in writing • May be issued as a temporary measure pending <u>issuance</u> of an MPO
TERMS	<ul style="list-style-type: none"> • Varied • Can temporarily stop communications, contacts, military judicial code violations • Can be amended as needed • Does NOT qualify for firearms prohibition
FILED IN NCIC?	No
ENFORCED BY:	<ul style="list-style-type: none"> • Military law enforcement <u>may</u> enforce • Non-military law enforcement CANNOT enforce, but may notify military law enforcement (often unaware of order's existence) • Violations of the no contact order <u>may</u> result in judicial, non-judicial or administrative action and barment from military facilities

GLOSSARY

EX-PARTE

Judges have the option of granting a protection order immediately without a hearing, or ex-parte, if they believe the victim needs immediate protection. The offender may still request a hearing to attempt to provide evidence as to why the order should not be placed. The ex-parte order will still be in effect while the hearing is pending.

SHOW CAUSE HEARING

Judges have the option of ordering a show cause hearing for a requested protection order if they believe more information is needed to decide whether to issue the order. At the hearing, the victim presents evidence that justifies their need for a protection order. The hearing results in the protection order being either granted or denied.

ISSUANCE

The issuance of a court order refers to the official granting of an order by a judge or other authorized individual.

BOND

A bond is a written agreement that legally binds an individual to fulfill a certain act. For example, a no contact order is a provision of a bond attached to all domestic violence protection orders. This means that the domestic violence offender is legally bound to fulfilling the terms of a no contact order.

VICTIM/OFFENDER

A victim is the subject of a crime, and an offender is the perpetrator of a crime.

PETITIONER/RESPONDENT

In the case of a protection order (domestic abuse, harassment and sexual assault) the “victim” is designated as the “petitioner” and the “offender” as the “respondent.”

NATIONAL CRIME INFORMATION CENTER (NCIC)

The National Crime Information Center (NCIC) is the United States’ primary database for criminal justice information. The database can be added to and accessed by almost every criminal justice agency in the nation.

“MAY” VS. “SHALL” In legal statutes, may means that an act is permitted but not mandatory and shall means that it is mandatory.

SOURCES

1. Neb. Rev. Stat. §§ [42-924 – 42-940](#). ↩
2. In the cases of domestic abuse protection orders, the “victim” is designated as the “petitioner” and the “offender(s)” as the “respondent(s)”. ↩
3. Domestic Abuse Protection Order forms are available here: <https://supremecourt.nebraska.gov/sites/default/files/DC-19-70.pdf> ↩
4. Filing instructions and contact information for District Court Clerks are available here: <https://supremecourt.nebraska.gov/self-help/protection-order-information>. For Douglas County, find instructions and contact information here: <https://clerk.dc4dc.com/domestic-violence-protection-orders> ↩
5. Neb. Rev. Stat. §§ [28-311.09 – 28-311.10](#). ↩
6. In the cases harassment protection orders, the “victim” is designated as the “petitioner” and the “offender(s)” as the “respondent(s)”. ↩
7. Harassment Protection Order forms are available here: <https://supremecourt.nebraska.gov/sites/default/files/DC-19-71.pdf> ↩
8. Filing instructions and contact information for District Court Clerks are available here: <https://supremecourt.nebraska.gov/self-help/protection-order-information>. For Douglas County, find instructions and contact information here: <https://clerk.dc4dc.com/domestic-violence-protection-orders> ↩
9. Neb. Rev. Stat. §§ [28-311.11 – 28-311.12](#). ↩
10. In the cases sexual assault protection orders, the “victim” is designated as the “petitioner” and the “offender(s)” as the “respondent (s)”. ↩
11. Sexual Assault Protection Order forms are available here: <https://supremecourt.nebraska.gov/sites/default/files/DC-19-72.pdf> ↩
12. Filing instructions and contact information for District Court Clerks are available here: <https://supremecourt.nebraska.gov/self-help/protection-order-information>. For Douglas County, find instructions and contact information here: <https://clerk.dc4dc.com/domestic-violence-protection-orders> ↩
13. Neb. Rev. Stat. §§ [25-1062 – 25-1080, 42-357, 42-928](#). ↩
14. Neb. Rev. Stat. § [43-2, 107](#). ↩
15. AFI [51-201, paragraph 16.34](#). ↩
16. AFI [51-201, paragraph 16.33](#). ↩



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