

*Information on...*

**A DOMESTIC VIOLENCE PROTECTIVE ORDER  
(Restraining Order)**

**What is this?** A domestic violence protective order is an order issued by a court upon request by a person who alleges that a spouse, ex-spouse, dating partner, ex-dating partner, or a family or household member has abused him or her. The abuse may include hitting, threatening, or other types of abuse that are against the law. The person alleging the abuse is known as the “plaintiff” while the other person is known as the “defendant.”

**Protections that may be put in place after the court has made a finding that abuse has occurred:**

**Protective orders:**

- ❖ Stop the defendant from contacting the plaintiff and her/his family members.
- ❖ Keep the defendant away from where the plaintiff lives or works.

**Other orders:**

- ❖ Stop the defendant from taking or destroying any property the plaintiff owns or jointly owns with the defendant.
- ❖ Stop the defendant from having or buying guns or other weapons.
- ❖ Give the plaintiff temporary custody of the children.

**This kind of order does NOT:**

- ❖ Last forever. Temporary orders are in place until the court can fully address all issues in the case by providing opportunity for both parties to participate in a court hearing. Final protective orders are in effect for one year, but may be extended under certain conditions.
- ❖ Set long-term visitation or custody arrangements. These are available by filing for separation, divorce or custody.

**If an individual believes that he/she has been abused and would like support:**

Information and support are available through the domestic and sexual violence statewide number at 1-866-644-3574.

This Information Sheet is provided by  
The Greenbook Project, Grant No. 2001-WE-VX-K002, US Dept. of Justice

8/04

**Is a lawyer necessary for either party?**

Although it is not necessary for either party to have an attorney, both parties may want to seek legal advice. Information sheets on legal resources are available at courthouses throughout the state.

**Do protective orders work?**

Whether protective orders work depends on several factors, including whether the defendant follows the requirements of the order. It is a good idea for a plaintiff to have a safety plan in place. A crisis center advocate can help a plaintiff develop a safety plan and review ways to increase safety.

**What happens if the defendant violates the order?**

Most violations of protective orders are considered to be criminal in nature, including contacting, following, or harassing the plaintiff as well as physical abuse. If a plaintiff believes the defendant has violated protective provisions in the order, the local police department should be contacted. If the defendant does not pay child support, attend batterer intervention, or attend visitation as directed under the “other orders” section of the protective order, the petitioner may file a motion to ask the court to find the defendant in contempt.

**What is a third party communication?**

When a protective order is in place, a third party communication is when someone contacts a plaintiff on behalf of the defendant, such as when someone passes along a message.

**Can an order be changed?**

Yes. Either party may request a modification of the order, but only the plaintiff can request it be dropped. Also, it is important to note that only the court can modify or vacate orders.

**Can a defendant be charged with violating a protective order if a plaintiff initiates the contact?**

Yes. Any contact a defendant has with the plaintiff when a protective order is in effect may result in the arrest of the defendant. If a defendant has any questions whatsoever regarding changes to a protective order, he or she should contact the court during business hours or the local police department during non-business hours.

**If a protective order is dropped, can another one be requested?**

There is no limit on the number of protective orders a plaintiff may ask the court to grant.