

ORDER OF PROTECTION INFORMATION SHEET
VICTIM ASSISTANCE PROGRAM
SEBASTIAN COUNTY PROSECUTING ATTORNEY'S OFFICE
479-783-8976

PLEASE READ PRIOR TO COMPLETING PETITION FOR
ORDER OF PROTECTION

An Order of Protection is issued by the Circuit Court, when a judge finds that a Petitioner has been threatened or harmed by a Respondent and is in immediate and present danger of domestic abuse.

Domestic abuse means: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members; or any sexual conduct between family or household members, whether minors, or adults which constitutes a crime under the laws of this state.

The relationship between the parties (Petitioner and Respondent) must be family or household members. This requirement is met when the parties are:

- Spouses (present or former)
- Parent and child
- Reside together or cohabitate (currently or formerly)
- Blood relatives
- Have or had a child or children in common

A family or household member may petition on behalf of another family or household member who is a minor or who has been adjudicated incompetent. Also, the Petitioner and Respondent must each be age 18 or emancipated.

If you have recently been a victim of domestic violence and need immediate protection, you may qualify for an Order of Protection. There are no costs to initially file for the Order. Costs may be incurred if you fail to show up for your Court date or decide to dismiss your Order at the time of your hearing. In addition, if after the hearing you decide to dismiss the Order, you may also be assessed court costs.

You will need to complete a petition and affidavit, giving a factual account of your current situation. It is not necessary for example, to go into all the reasons for an argument. Please be specific and explain the reason(s) you feel that you are in danger. **Do Not Sign or Date the Petition until a representative from the Prosecutor's Office has reviewed the petition after you have completed it.**

The petition will then be reviewed by a Circuit Judge to determine whether there is enough evidence of abuse to issue a Temporary Order of Protection, also called an Ex Parte Order of Protection. The Judge has three options to choose from, regarding the petition. One, if the Court

finds sufficient evidence to support the petition and evidence of immediate and present danger of domestic abuse, it will grant a Temporary Order of Protection. **This Temporary Order is a NO CONTACT ORDER.** This Order should provide relief until the Court date, which must be held within thirty (30) days. In other words, the Judge signs an Order stating the Respondent (Abuser) is to have no contact, directly or indirectly with the Petitioner (Victim). Another option the Judge has is to issue an **Order to Appear; this however is NOT A NO CONTACT ORDER.** Again a Court date is set within thirty (30) days. At that time the Judge hears from the Petitioner and the Respondent and then decides, if a Protection Order is to be granted. Finally, the Judge can dismiss a petition outright, if he /she feels there is not sufficient evidence to support any type of Order.

Once the Judge sets a hearing date, the Sebastian County Sheriff's Office must then serve the Respondent with a notice of hearing, to give the Respondent an opportunity to be present at the hearing. As the Petitioner, you **MUST** appear at the Hearing. The Respondent is also ordered to appear. At the hearing the Judge will decide after input from both parties, whether to extend the Order of Protection, issue an Order of Protection or dismiss the petition. If extended, the range of time is from ninety (90) days to two (2) years. Sometimes the Judge may ask how long you would like the Order to remain in effect, so it would be helpful to keep this question in mind. Also, if there are children included in the Ex Parte Order, please be aware that visitation may be granted to the Respondent at your hearing. So please give some thought as to a third party, who can help facilitate this or other possible options. In addition, while it is not a legal requirement to have an attorney or witness(es) at the hearing, it may be beneficial. A representative from our office will be present unless circumstances prevent us from being there.

***** If you do not attend the Hearing, the petition can be dismissed and you can be charged a filing fee of \$100.00 and an additional fee of \$50.00 for Sheriff's costs. You may also run the risk of having a Body Attachment issued and spending time in the county jail.**

When you appear in Court, there are certain practices that **MUST** be adhered to. It is imperative to dress appropriately for your courtroom appearance. This means **no shorts, flimsy tops or short skirts.** Please dress as if you were going to church. In addition, it is best to always behave in a calm, non- argumentative manner. Finally, if you feel it is necessary to speak with others during Court, do so in a very soft voice or leave the courtroom. It is impolite to disrupt the Court while it is in session. **Always be respectful to the Judge.** These practices will ultimately help in making your appearance in Court a little easier. ***** PLEASE TRY TO MAKE CHILDCARE ARRANGEMENTS PRIOR TO YOUR APPEARANCE IN COURT. THIS WILL BE A BENEFIT TO THE COURT, YOU AND THE CHILDREN.**

If you have not yet notified law enforcement and are interested in pursuing criminal charges against the Respondent, you must begin by making a report to the appropriate (where incident occurred) law enforcement agency. If you need assistance with this or have other questions or concerns, inform the individual helping you complete the petition.

PLEASE REMEMBER THAT THE ORDER OF PROTECTION IS HELPFUL, BUT WILL NOT GUARANTEE YOUR SAFETY. PLEASE TAKE ALL NECESSARY PRECAUTIONS

AND CONTACT THE WOMEN'S SHELTER AT 479-782-4956 FOR ADDITIONAL SAFETY MEASURES.

**** PLEASE DETACH THIS PAGE AND COMPLETE WITH AGENCY REPRESENTATIVE**

I have been given a copy of the Order of Protection Information Sheet from the Victim Assistance Program, a part of the Sebastian County Prosecuting Attorney's Office. My signature acknowledges that I understand the contents of this information and have had the opportunity to ask questions and have them answered in a satisfactory manner.

Petitioner _____

Agency Representative _____

Date _____