

# ENFORCEMENT OF ORDERS OF PROTECTION

## Frequently Asked Questions

**DISCLAIMER:** This information is not legal advice. It is for informational purposes only. You should consult a lawyer for legal advice specific to your situation as each case is different.

### 1. How can an order of protection help me?

After a judge hears your case, your ex parte order can become an order of protection if you win your case. The judge can order the person who is hurting or threatening you to stay away from you for up to a year. The order tells the person hurting you not to abuse, stalk, or sexually assault you or threaten to abuse, stalk, or sexually assault your minor children protected under the order.

It can also order the person hurting you not to telephone, contact, or communicate with you in any way directly or through another person.

Other help available through an order of protection may include giving you custody of your children; ordering the person hurting you give you money to help support you and your children; and giving you possession of a shared residence.

### 2. What if the person does not do what the order of protection says to do?

When the person does things that the order of protection says not to do, this is called a violation. A violation is against the law, and the person could be arrested and spend time in jail. You can call the police if the person violates the order of protection.

### 3. How long will the person stay in jail for violating an ex parte order?

If you have an ex parte order, the person could spend 10 days in jail and be fined \$50.00 for disobeying the order. The person can be arrested for a violation of an ex parte order if the person has been served with the order or has actual knowledge of the order.

### 4. How long will the person stay in jail for violating an order of protection?

The person could spend 10 days in jail and be fined up to \$50.00 for disobeying the order. The person could also serve up to 11 months, 29 days in jail and be fined up to \$2,500.

If the person violated the order of protection more than once, the person could be charged for each of the violations. The judge could order the person to serve time for each of the violations.

In some cases where there is a violation, the person may not serve any jail time but instead may be ordered to attend counseling or batterer intervention classes. If the person does not attend the counseling or batterer intervention classes, the court may order the person to serve time in jail.

**5. Can the person be punished for not turning in firearms?**

Yes. The person can be arrested for not turning in any firearms in his or her possession. The person can have up to three criminal charges brought for failure to obey the firearm prohibition. Each of these violations carries a maximum sentence of 11 months and 29 days. The prosecutor will recommend to the judge how much time, if any, the person will serve for the violations.

**6. Can I be arrested for calling the person or coming around the person who hurt me?**

No. The ex parte order of protection is against the person who hurt you. For your safety it is best that you don't contact or go around the person who has hurt you. Please be aware that in some places criminal charges are being brought against victims who contact or come around the person who hurt them. If you are arrested for having contact with the person hurting you, you should ask for a lawyer. If you cannot afford a lawyer, you have the right to request that a lawyer be appointed for you.

**7. If the person violates the order, can I ask for an extension of the order of protection?**

Yes. If you want an extension because the person violated the order of protection, you should do so before the order of protection ends.

**8. If the person violates the order and is convicted, can the person be forced to pay any money for violating it?**

- The person violating the order of protection may be assessed a fine of up to \$50.
- If it is a criminal misdemeanor violation, the person may have to pay an amount not greater than \$2,500.
- If the person is found guilty of violating the order of protection, the person must give the court a civil bond of at least \$2,500. The court could order a higher amount if the judge thinks that a greater amount will increase your safety. The person will get the bond back at the end of the order if there are no future violations. If the person violates the order of protection again, then he/she will lose the bond.

