

**Q: Who will serve the Respondent?**

**A:** The Court will ask Omaha Nation Police or court personnel to give the petition and PO to the Respondent. This is supposed to happen within six days after the petition is filed.

**Q: Can the PO be modified?**

**A:** Yes, but only if something has changed that makes the PO unnecessary. You or the Respondent will need to file a request to modify the PO, everyone must be notified, and there will be a hearing in court.

**Q: How does law enforcement find out I have a PO?**

**A:** The Court must give the Omaha Nation Police a copy of any Ex Parte PO. You should also give a copy of a PO to Omaha Nation Police, or you should have someone do this for you.

**Q: Will a divorce affect the decision for PO?**

**A:** No, the Court will not delay a PO based on a pending divorce or any other civil lawsuit.

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## Additional Considerations:

You or the abuser must reside on the reservation, or the abuse, disturbance or stalking must have occurred on the reservation.

The court cannot deny the PO only because some time has passed since the abuse.

The court should not order a PO against both the Petitioner and the Respondent unless there is evidence a mutual PO is needed.

It is a crime for the Respondent to violate a PO. You can call the police and the police can arrest the Respondent. You cannot be arrested for having contact with the Respondent.

Copies of Protection Orders from other courts may be registered with the Omaha Tribal Court and enforced by the Omaha Tribal Law Enforcement.

If you do not appear at the hearing, the Court will most likely not grant a PO.

## OMAHA TRIBE DOMESTIC ABUSE AWARENESS



## ANSWERS TO PROTECTION ORDER FAQS



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**Q : When can I get a Protection Order (PO)?**

**A :** You can get a Protection Order (PO) if you have been the victim of Domestic Abuse, Domestic Disturbance, or Stalking.

**Q : What is Domestic Abuse?**

**A :** There are a few kinds of Domestic Abuse:

1. Any physical contact with a current or former household member that causes injury;
2. Any sexual contact with a current or former household member that is forced or done under threat of immediate injury;
3. Any threats of immediate injury to a current or former household member that are intended to terrorize or make someone afraid of immediate body injury.

**Q : What is Stalking?**

**A :** Any time someone deliberately, maliciously, and repeatedly follows or harasses another person and threatens the person or their family.

**Q : What is a Protection Order?**

**A :** It is a court order that requires someone to not abuse, disturb, or stalk another person. The PO can also require someone to not contact another person, and to stay away from another's home, school, or place of work. The PO lasts a year, and by request, can be extended for two additional years when the first year is up.

**Q : Who can I get a Protection Order against?**

**A :** Your current or former spouse, boyfriend, or girlfriend, any person you dated or had a sexual relationship with, any person you are related to by marriage, any person you have a child with, and the children of any of these people.

**Q : How do I ask for Protection Order in the Omaha Tribal Court?**

**A :** By filing a Petition with the Court. The Court can give you a form to fill out. The petition is a statement saying why you need a PO. You must:

1. List the names and birth-dates of any children you share with the person you want the PO against, which is called the respondent,
2. List any residences or vehicles you share with the respondent,
3. List any other cases that involve both you and the respondent in any court, and
4. How long you have been the victim of domestic abuse, domestic disturbance, or stalking. You may attach police reports, medical records, or other documents. You must swear that the Petition is true in front of a Tribal Court Clerk.

**Q : What can the court order the other person to do?**

**A :** The Court can order the respondent to:

1. Stop threatening to harm or harming you;
2. Stay away from your home, work, or school;
3. Stop contacting you;
4. Give you a family vehicle to use;
5. Give up guns or other weapons;
6. Not destroy or sell things that you own;
7. Pay rent or mortgage;
8. Pay support for you or minor children, and
9. Join an abuse intervention program. The Court can also grant you temporary custody and award visitation.

**Q : What is an Ex Parte Protection Order?**

**A :** It is an order signed by a judge before any notice is given to the respondent or a hearing is held. The judge will look over your statements and any documents you attach. If it is reasonable to believe there should be a PO, the judge may sign the order immediately to protect you or your children.

**Q : Do I have to go to court?**

**A :** If the Court grants an Ex Parte PO, there will be a hearing. You need to go to the hearing. If you don't go to the hearing the Court might end the PO.

**Q : What if an Ex Parte PO is denied?**

**A :** You can still request a hearing in writing with the Court. If you still want a PO, ask for a hearing as soon as you can.

**Q : Do I need to tell the respondent about the PO?**

**A :** After you ask for a PO from the Court, your petition will be given to the respondent. If a PO is entered by the Court, that also will be delivered to the Respondent.

**Q : When is the hearing and what will happen at the hearing?**

**A :** If the Court signs an Ex Parte PO, a hearing will be scheduled within 14 days. Otherwise it will be held soon after a hearing is requested. At the hearing the Court will allow you testify, call witnesses, and present documents. The Court will also allow the respondent to testify, call witnesses, and present other evidence.