

## WHAT TO DO IF MY PROTECTIVE ORDER IS BEING VIOLATED?

Family Abuse Protective Orders are unique because they are civil orders, but certain types of violations can have criminal consequences.

If Respondent violates certain parts of a PO, they can be prosecuted for the crime of *Protective Order Violation*. The special provisions that can trigger a criminal violation are:

- No further acts of family abuse;
- No contact with either Petitioner or a protected family or household member;
- Exclusive possession of a shared residence or going to a place the protective order prohibits;
- Possession, use, transport, or purchase of a firearm.

To report a criminal PO violation, Petitioners can:

- Call the police (911); or
- Go to their nearest police station; or
- Go directly to the magistrate [MAGISTRATE].

If the violation is reported to the **police**, an officer or detective will investigate the reported violation. If they have enough evidence (probable cause) that the crime occurred, they will go to the magistrate's office to seek a warrant. The magistrate will decide whether to issue a warrant for the violation.

If they do issue a warrant, law enforcement will attempt to arrest Respondent, and they will be prosecuted for the crime of violating the protective order along with any other crime that may have occurred. Petitioner or anyone witnessing the violation will have to go to court to testify about what happened.

If convicted, Respondent will go to jail for no less than one day, and the court must issue a new final protective order from that time. Additional conditions may also be imposed by the judge.

A Family Abuse PO can do a lot of things, to include, restricting contact, keeping someone out of their home, terminating a cellphone plan, and requiring someone to pay child support. If the Respondent violates **any** provision of a Family Abuse PO, Petitioner can ask that Respondent be held in contempt of court and be required to do what the order says. To do that, Petitioner would file a "Motion for a Rule to Show Cause." However, Petitioner cannot file for a criminal violation and a Rule to Show Cause for the same violation incident.

To file a Motion for a Rule to Show Cause, contact the Domestic Relations Intake office (the same place you filed for the protective order). They will help you fill out the necessary paperwork and file it with the court. Then you will have to wait for your next court date. The Rule to Show Cause must be personally served on Respondent [LINK TO SERVICE]. At the court date, Respondent will have a chance to explain their side, and the judge may give them a chance to correct their behavior. If they continue to fail to follow the order, the judge can put them in jail for up to 10 days.

There are many ways to hold Respondent accountable for the Violation of a Protective Order. If you are not sure what to do, please contact an advocate, law enforcement, or an attorney.