**TEMPORARY ORDER OF PROTECTION CHECKLIST**

**DO YOU QUALIFY FOR AN ORDER OF PROTECTION?**

You are eligible for a Temporary Order of Protection is you are reasonably apprehensive of bodily injury by your partner or family member; or if you are a victim of the following offenses by your partner or family member:

 Assault Partner or Family Member Assault Aggravated Assault

 Intimidation Criminal or Negligent Endangerment Assault on a Minor

 Arson Assault with a Weapon Unlawful Restraint

 Kidnapping Aggravated Kidnapping Strangulation

You are eligible for an Order of Protection, regardless of your relationship with the offender, if you are a victim of Stalking, Incest, Sexual Assault or Sexual Intercourse without Consent. It does not matter when the abusive incident happened, as long as you are in danger of harm now. There is no requirement that the incident was reported to law enforcement.

**HOW DO YOU GET AN ORDER OF PROTECTION?**

You may apply for a Temporary Order of Protection by filing a sworn petition in court. Orders of Protection may be filed in justice, city, municipal court or district court.

**WHAT IF THERE IS A DIVORCE FILED?**

If a divorce or custody action is filed in district court involving you and the respondent (the offender), your petition for an Order of Protection should be filed in District Court. You may request an Order of Protection in justice, city or municipal court only if the judge handling your divorce or custody case is unavailable or, to escape abuse, you left the county where the abuse happened. A copy of the relevant district court documents must be given to the court when the petition is filed.

**WHERE DO YOU GET THE FORMS?**

Temporary Order of Protection forms are available from any of the courts.

**HOW DO YOU FILL OUT THE FORMS?**

Write your name on the line marked “Petitioner”. Write the perpetrator’s name on the line marked “Respondent”. Read the petition carefully and put an “X” in the blank in front of the parts that apply to you and your situation. Describe in detail the injury or threats that the Respondent made. Explain when and where the abuse or threats occurred. If you have left home and do not want the Respondent to know where you are, write “Confidential” in the address section. If there are things not in the petition that you want the court to order the Respondent to stop doing, or things you believe the Respondent should be ordered to do, write them in. Fill out the “Instructions to Peace Officers” form so that the officers can find the Respondent to serve the papers on the him/her. The petition must be signed in front of a notary or in front of a judge. There are notaries and judges at the courthouse. The forms are provided to you without charge. **There are no filing fees or costs assessed for service.** The petition is then presented to the judge.

**WHAT DOES THE COURT DO?**

If the judge finds that you are in immediate danger of harm, the court will issue a Temporary Order of Protection. At the hearing, the court will determine if good cause exists for the Temporary Order of Protection to be continued. If that finding is made, the judge will issue an Order of Protection (permanent or permanent with an end date).

**AT THE HEARING…**

A hearing will be held within 20 days from the date the court issues a Temporary Order of Protection. At the hearing, the court will determine if good cause exists for the Temporary Order of Protection to be continued. If that finding is made, the judge will issue an Order of Protection.