

Protection Orders

STATE OF DOMESTIC VIOLENCE 2015 -2022

Legal advocacy is provided through the Douglas County Attorney's Office. It provides information on the case, can accompany victims in court, and get resources and referrals to victims involved in criminal cases. Victims are often contacted the day after an arrest is made and Victim Assistance Unit advocates are assigned to all felony cases. The decision to grant a protection order is made by a judge based on paperwork filed with the court by the victim, most often without the assistance of an attorney, usually because of cost. If there is an arrest made, the Douglas County Attorney's Office Victim Witness program can assist victims with the filing of protection orders. If no arrest is made, the Women's Center for Advancement (WCA) is one organization that can help provide victims with free protection order services.

Protection orders typically forbid the abuser from contacting or harassing the victim. It also may order an abuser to vacate the home or provide for temporary physical and legal custody of children. **In Nebraska, protection orders can be obtained for domestic abuse, harassment and sexual assault.** Depending upon the specifics of their situation, some domestic violence survivors may seek harassment or sexual assault protection orders. While protection orders don't guarantee safety for victims, they do give victims a tool to help maintain their well-being and hold offenders accountable to law enforcement. When a protection order is violated, the offender can be arrested and charged with a crime. Protection orders are different from restraining and no contact orders however, as those cannot be enforced through arrest.

As of 2020, when protection orders are requested, a judge can either grant the protection order ex parte, which means granted and in effect immediately, or order a show cause hearing where the victim presents evidence that they need the protection order.

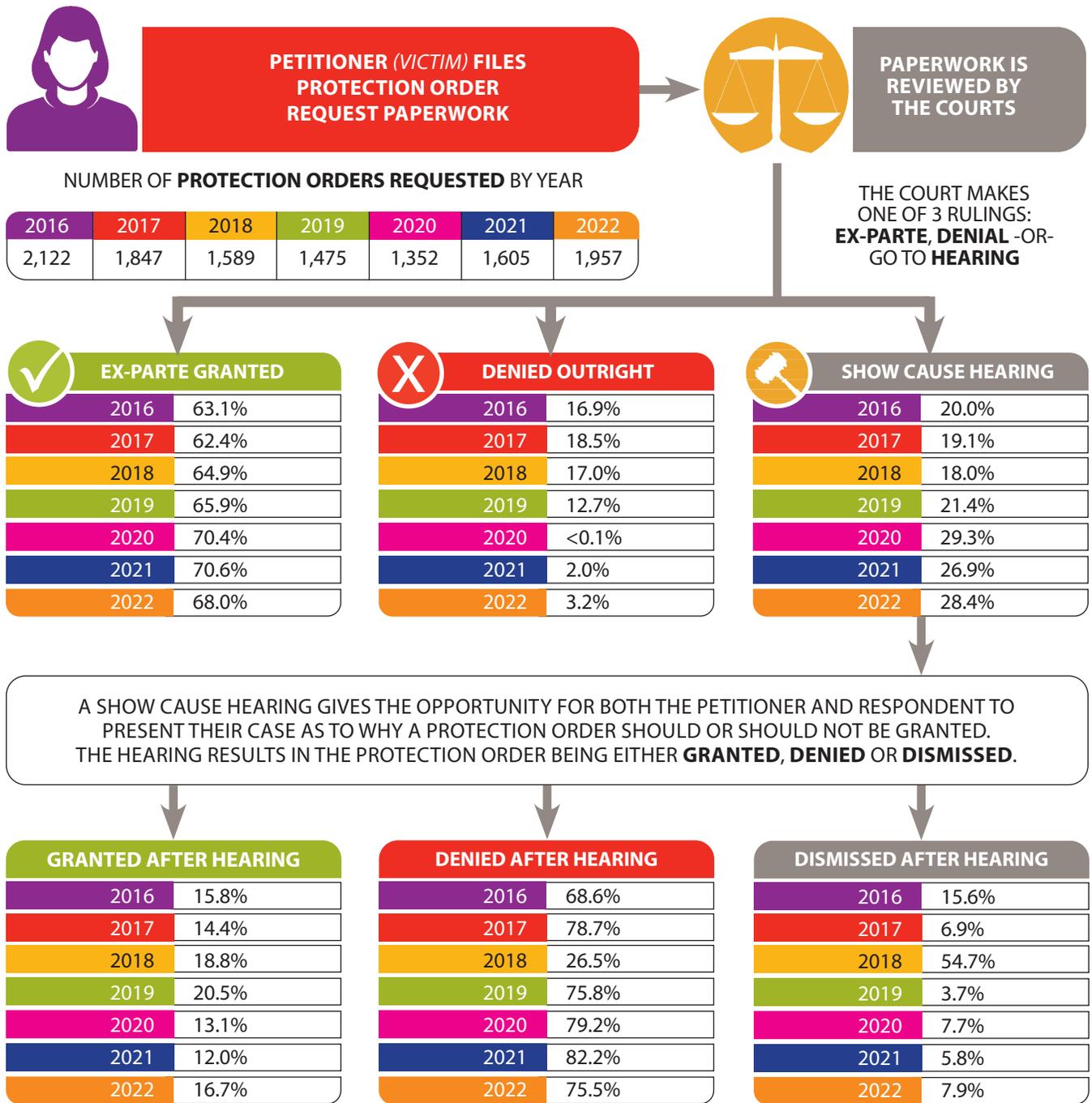
The number of domestic abuse protection order requests started to increase in 2021, and there have also been recent shifts in how protection order requests have been processed (Figure 1). Notably, there is a large decrease in the percentage of protection orders denied outright from 2019 onward, which coincides with the implementation of LB532. This statewide legislative bill outlawed the practice of denying protection order requests outright. It is likely protection orders that would have previously been denied outright are either being granted ex parte or processed through a "show cause" hearing, given recent percentage increases for both of these types. Nonetheless, there are still a small percentage of protection orders being denied outright, which suggests a need for additional accountability measures to ensure LB532 is being fully implemented.

Additional attempts to strengthen protection orders, including extending their duration from one to five years, have been introduced in the legislature but have not moved forward. During the 2023 Nebraska Legislative Session, LB11 was passed to provide clarification in domestic abuse protection orders to include household pets. This update reduces a common barrier to leaving abusive situations, especially for the majority of applications filling out protection orders without legal assistance. An [online comprehensive guide](#) is available to help with navigating protection orders in Nebraska.

KEY TAKEAWAY:

Protection orders, restraining orders and no-contact orders are all different.
Protection orders are the only one of these that can result in an arrest if violated.

FIGURE 1: DOMESTIC ABUSE PROTECTION ORDERS IN DOUGLAS COUNTY



Source: Nebraska JUSTICE State Court Management System