



# LB 118 : STRENGTHENING PROTECTION ORDERS for Survivors of Violence

Protection orders are critical to maintaining survivor safety in the aftermath of violence, preventing offenders from contacting, intimidating, harassing, or harming survivors or their children. LB 118 would make this essential process more accessible to survivors and more streamlined for court systems by extending the duration of protection orders and eliminating barriers posed by notarization requirements.

**Studies have found that protection orders are associated with an 80 percent reduction in police-reported physical violence in the next year.<sup>1</sup>**

## **Survivors face barriers to protection orders in current notarization requirements.**

The most dangerous time for a survivor of domestic violence is when their abuser feels a loss of power and control,<sup>2</sup> which often coincides with obtaining a protection order and an attempt to safely leave the abuser. Notarization may prevent or delay a survivor from gaining necessary protections. Survivors may struggle to access such services without their abuser knowing or in a timely manner to avoid delay of protections. This barrier has been exacerbated during COVID-19, as notary services are limited and more difficult to obtain.

## **Limited initial duration of protection orders increases strains on survivors and court systems alike.**

An annual renewal process requires survivors to continually revisit experiences of trauma. This increases the strain on our court systems, continually requiring review of old cases and potentially new hearings. Longer durations of protection orders may decrease risk of violence. One study found a 70 percent reduction in physical abuse and 60 percent reduction in psychological abuse to be directly associated with the extended duration of protection orders.<sup>3</sup>

**One in four domestic violence survivors report experiencing five or more years of abuse.<sup>4</sup>**

## **LB 118 would protect survivors and their families by:**

- Extending the duration of protection orders to five years. This would mean survivors no longer have to reapply for protections every year and the burden of such reapplication process is lifted from our court systems.
- Eliminate current notarization requirements of initial and renewal petitions for all protection orders. Survivors would no longer have to find a notary to complete the form but instead could complete it on their own by sworn statement that the information provided is true and accurate under the penalty of perjury.<sup>5</sup>

LB 118 aligns with the Women's Fund values of: **Equity, Bold Impact** and **Collaboration**.  
To learn more about our mission, vision and values visit [www.OmahaWomensFund.org](http://www.OmahaWomensFund.org).



## THERE ARE THREE DIFFERENT TYPES OF PROTECTION ORDERS AVAILABLE <sup>6</sup>

### Domestic Abuse Protection Order (DAPO)

DAPO is for people who have been in **close relationships** (relatives, spouses or former spouses, people who have lived or are living together, etc.) and is granted because someone attempted, threatened, caused **bodily injury or intimidated the other person by credible threat, or engaged in sexual contact or sexual penetration without consent.**

### Sexual Assault Protection Order (SAPO)

SAPO does not depend upon relationships and is granted because someone subjected or attempted to subject the other person to **sexual contact or sexual penetration without consent.**

### Harassment Protection Order (HPO)

HPO does not depend upon relationships but requires a number of **telephone or personal contacts that seriously terrify, threaten or intimidate the victim and serve no legitimate purpose.**

## Protection Orders in Other States

The majority of states (27 states) allow longer protection order than Nebraska, ranging from 2 years to permanent, lifetime protection orders.<sup>7</sup> Longer duration provides greater stability and safety to survivors and reduces the workload for our judicial system.

PERMITTED DURATION	Lifetime (6 states)	10 Years (1 state)	5 Years (4 states)	4 Years (1 state)	3 Years (5 states)	2 Years (7 states)	Broad Judicial Discretion
STATE	AL, CO, FL, MT, NJ, ND	AR	CA, OH, OK, SD	WI	GA, KY, PA, RI, UT	IL, IN, ME, MN, NY, TX, VA	MI, VT, WA

## PO Requests Granted

The majority of protection order requests are granted—72% of DAPO, 76% of SAPO, and 52% of HPO requests were granted in 2020.<sup>8</sup> When the annual renewal process for DAPO & SAPO is utilized, the approval rate of renewal requests is exceptionally high (87%).<sup>9</sup> Yet as many people navigate the renewal process without legal assistance, and as renewal is entirely self-initiated without court notification of upcoming expiration, many barriers remain and the process is not widely used.

This is highlighted by the fact that, in addition to the formal annual renewal process, over the last three years in Douglas County alone, nearly 300 requests for protection orders have been made by the same parties following a prior expired protection order.<sup>10</sup> This indicates the current process prevents individuals who need ongoing safety from a protection order from renewing it prior to those safety measures lapsing.

<sup>1</sup> Christopher T. Benitez, Dale E. McNeil and Renee L. Binder, "Do Protection Orders Protect?" The Journal of the American Academy of Psychiatry and the Law, (September 2010). <http://jaapl.org/content/38/3/376#:~:text=Protection%20orders%20are%20legal%20interventions,can%20vary%20greatly%20across%20jurisdictions>.

<sup>2</sup> Campbell, JC, et al. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study," American Journal of Public Health, 93 No. 7, (2003) 1092, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/>.

<sup>3</sup> Christopher T. Benitez, Dale E. McNeil and Renee L. Binder, "Do Protection Orders Protect?" The Journal of the American Academy of Psychiatry and the Law, (September 2010). <http://jaapl.org/content/38/3/376#:~:text=Protection%20orders%20are%20legal%20interventions,can%20vary%20greatly%20across%20jurisdictions>.

<sup>4</sup> National Institute of Justice, "Civil Protection Orders," <https://www.ncjrs.gov/pdffiles/fs000191.pdf>.

<sup>5</sup> Additional measures to ensure truth and accuracy of protection order petition already exist under state law. Nebraska Statutes [§28-311.09\(5\)](#), [§28-311.11\(5\)](#) and [§42-924.01](#) allow for fees and penalties assessed by the court if statements contained in the petition were false and the order was sought in bad faith.

<sup>6</sup> State of Nebraska Judicial Branch, "Protection Order Form Guide," <https://supremecourt.nebraska.gov/self-help/protection-abuse/form-guide>.

<sup>7</sup> "State Protection Order Durations Matrix," Battered Women's Justice Project, National Center on Protection Orders and Full Faith & Credit, (2015). <https://www.bwjp.org/ncpoffc-state-protection-order-duration-matrix.pdf>.

<sup>8</sup> Data provided to Senator Adam Morfeld by Corey R. Steel, Nebraska State Court Administrator on January 7, 2021.

<sup>9</sup> Ibid.

<sup>10</sup> Analysis conducted by HTI Labs of data from Douglas County Court and Douglas County District Court, provided January 14, 2021. This data is unavailable at the state level.