

### **What Do I Do If the Other Person Violates the Order of Protection?**

Immediately seek safety and call 911. As further described in this pamphlet, local law enforcement officers, court personnel or the Court Advocate can assist you in taking the steps necessary to enforce the Order of Protection.

### ***If the Judge's Order Is Violated, Will the Abuser Be Arrested?***

If the person violates the Order, there are procedures in place to assist and protect you. As much as law enforcement officers and the Prosecuting Attorney may want to file criminal charges, the law defines which acts are criminal and which are civil.

The act which violated the Order of Protection may be a criminal offense if evidence proves beyond a reasonable doubt that the person violated the Order by physically abusing or stalking you or by being at a location forbidden by the Order. Under the law, stalking requires that the person commit the same act on multiple occasions, and that it have no legitimate purpose and would cause a reasonable person to suffer substantial emotional distress.

In that circumstance, the statement you provide to the law enforcement officer will be forwarded to the Prosecuting Attorney for his review. If charges are filed, the person will be required to appear in court and answer for the offense.

### **So Nothing Can Be Done If The Violation Was Not Criminal?**

If the person violated the Order in a way that is defined by the law as civil rather than criminal, it does not mean that nothing will happen. It simply means that the victim rather than either the law enforcement officer or the Prosecuting Attorney must file the action against the person for the violation.

If there is a violation of the Order of Protection, the victim can (and should) file a notice with the Court, asking the Judge to hold the person in contempt for their action. The process of holding the person accountable begins when you file a Motion for Contempt.

A simple form has been created for this purpose. Like the original Petition, you will complete that form and tell the Judge in writing what the person did (or did not do) to violate the Order of Protection. You should complete it in detail, describing where and when the violation occurred and exactly what happened.

The Court Advocate can assist you with this process and further explain the procedure to you. You can (and should) also file this notice for every violation of the Order, even if the Prosecuting Attorney is also filing criminal charges.

### ***Where Do I Obtain the Motion Form?***

You can obtain a blank form for your use to report a violation of the Order of Protection at either of the following:

Nodaway County Circuit Clerk's Office,  
303 North Market, Maryville  
(660) 582-5431

Children and Family Center  
Court Advocate, Patricia Jacobs  
20225 South Main Street, Maryville  
(660) 562-2320  
1-866-382-7867

### ***What Happens After I File the Motion?***

The Judge will set a hearing date on your Motion. At that time, he will hear from you and the other person (and any witnesses) and will decide if there has been a violation. If the Judge finds that the person has violated the Order, the Judge has various alternatives available, including sending the person to jail, in order to protect you and ensure that the person does what the Order requires. If you need assistance, the Court Advocate, Patricia Jacobs, (660) 562-2320, may be able to assist you during this process, including being with you at the Court hearing for moral support.

### ***What If Criminal Charges Are Filed?***

If criminal charges are filed, the Prosecuting Attorney will assist you through that process. However, even if charges are filed, you should still also file the Motion for Contempt with the Court.